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OF LATIN CLASSICS

CICERO

DE ORATORE

BOOK I

OWEN

The Students' Series of Latin Classics

M. TULLI CICERONIS DE ORATORE

LIBER PRIMUS

EDITED

ON THE BASIS OF SOROF'S SECOND EDITION

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plea.[1] Two years later he was killed by the order of Marius, a task which the cruel messengers found a difficult one, so much were they affected by the charms of his eloquence.[2]

Antony's ideal in oratory was quite unlike that of Crassus, inasmuch as the latter was a master in the more formal and theoretical phases of his art, while the former was more practical, and aimed rather to give direct and cogent utterance to his exact thought than to dress it in any special graces of style. Besides the manual (*libellus de ratione dicendi*) composed in his youth,[3] he committed nothing to writing, assigning as his reason, so far as his speeches were concerned, that he did not wish to be confronted with his written words when he cared to deny anything that he had said.[4]

The traits most essential for the orator, according to Antony, were sagacity, readiness, decision, and experience, qualities which he himself possessed in the highest degree.[5] He attached great importance to the invention, the careful selection, and marshaling of his material. He aimed to be able to note the critical points in a trial, to place favorable considerations in the best light, and keep the unfavorable out of view,[6] and in case of error to be able to withdraw in such a way as to seem to be still on the offensive.[7] His language was correct, but chosen rather with a view to its force than its beauty.[8] Although laborious in preparation, a ready and tenacious memory enabled him to speak with freedom and without the appearance of elaborate forethought or study.[9] His voice, naturally harsh, was yet strong and well suited to passionate or pathetic utterance; and to this he added the force of appropriate and energetic action,[10] so that in animated speech his eloquence was well-nigh irresistible.

1 Tusc. Disp. II. 24, 57.

2 de Or. III. 3, 10; Tusc. Disp. V. 19, 55; Vell. II. 22, 3; Val. Max. VIII. 9, 2; IX. 2, 2.

3 de Or. I. 21, 94; 47, 206; III. 49, 189; Or. 5, 18; Brut. 44, 163.

4 pro Cluent. 50, 140.

5 de Or. II. 20, 84; 28, 125.

6 Brut. 37, 139; de Or. II. 42, 179; 77, 314.

7 de Or. III. 9, 32; II. 72, 294; 73, 296.

8 Brut. 37, 140.

9 Brut. 59, 215; de Or. II. 28, 122; Brut. 37, 139.

10 Brut. 38, 141.

(*c*) *Sulpicius.*

Cicero has brought into close connection with these masters two young men of great promise, — Sulpicius and Cotta.

P. Sulpicius Rufus, born 124 B.C., was of patrician family, and in the earlier part of his career roused great hopes in the party of the optimates that they would have in him an eminent champion of their principles,[1] a hope that was disappointed only by the evident unscrupulousness and incapacity of that party. Sulpicius, from an ardent partisan of the aristocracy, became its adversary.[2] The beginnings of the change may perhaps be traced to Antony's defense of Norbanus.[3] He was, however, in harmony with the best men of the Senate in 91 B.C., and on terms of intimacy with the tribune M. Livius Drusus, whose design for the complete enfranchisement of the Italians he approved, as also with Q. Pompeius Rufus,[4] who was his opponent when consul in 88.

In the first year of the Social war he served as legate in the field,[5] and in 88 was made tribune of the people, in which office his first measures were directed against the Marian party, and were moderately conservative. He vetoed on constitutional grounds the proposition, made in the interest of the *equites*, to recall all those who had been exiled under the law of Varius; but he resolutely opposed on the same ground of illegality C. Julius Caesar Vopiscus in his candidature for the consulship, as he had not yet been praetor.[6]

It seems most likely that the change in his political attitude grew out of his purpose to carry through the reform of Drusus, and secure the complete enfranchisement of the Italians. To this end he must conciliate prejudices, and Plutarch tells us that he went about attended by his anti-senate made up of 600

[1] de Or. I. 7, 25. [2] de Or. III. 3, 11.
[3] de Or. II. 21, 89; 25, 107; 47, 197 ff.; 75, 305.
[4] de Or. I. 7, 25; Lael. 1, 2. [5] Brut. 89, 304; Liv. Perioch. 76.
[6] Brut. 63, 226; de Har. Resp. 20, 43.

PREFACE.

The text of this edition of De Oratore is that of Sorof, with some changes in orthography and punctuation, and a few slight differences of reading which will be found duly discussed in the notes and the appendix. I have made free use of the introduction, following it somewhat more closely in the strictly historical parts; but have added section 9 entire. In that discussion I have felt justified in giving some emphasis to libration, a trait of Cicero's style which has not been adequately treated. In the commentary I have made such omissions, additions, and adaptations as seemed called for by the needs of those students for whom this work is especially designed.

I take pleasure in gratefully acknowledging the courtesy of Dr. Sorof in permitting me to use his edition as the basis for this one, and also his kindness in offering other valuable assistance. The De Oratore has been a favorite field for scholarly work, and the modern editor has an ample fund of materials, both critical and explanatory, upon which to draw. Next to Dr. Sorof, however, credit is here due to Professor A. S. Wilkins, of the Owens College, Manchester, whose excellent edition has been constantly before me.

I am greatly indebted to Professor Edmund Morris Hyde,

Ph.D., for his efficient aid in the reading of proof; also to Professor E. M. Pease, the editor-in-chief of this series, who has read both manuscript and proof, and whose suggestions have been most judicious and helpful.

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INTRODUCTION.

1. De Oratore, — the Circumstances under which the Work was written.

It has been the habit of the learned world to read with delight nearly everything that has come from Cicero's pen, — pleadings, letters, essays in morals, in philosophy, and in rhetoric; but for obvious reasons what the peerless orator had to say about his own art has justly been held in highest esteem. Among these treatises the *de Oratore* is entitled to the first place, both by the value and interest of the subject-matter and its literary finish. It stands practically (56–55 B.C.) at the opening of his literary career. He had long before prepared a little essay on rhetoric which he now characterized as *rudia ac incohata;*[1] he had written a few of his letters; he had delivered many great orations, and had gone through a career of public office made notable by brilliant achievements in statecraft, but the great monuments of his literature were yet to be reared — the fruit of those periods of enforced inactivity when he sought relief from the contemplation of public calamity, and the sadness of his disappointed hopes, by turning to the chosen studies of his youth.

It is not without interest to note that the first of these works should be that in which he exhibits, not simply the results of reading, but the ripe fruits of his own experience in an art by

[1] de Or. I. 2, 5.

which he had risen to the highest eminence. At the age of fifty-one, mature, but still in the vigor of his prime, already the acknowledged master of Roman style, he chose as the subject of his first great literary effort that theme which lay nearest to the interests and activities of his life, to which he could bring both profound conviction derived from experience, and the richest fruits of culture.

If he had been left to his own choice, doubtless he would have preferred to resume a public career in which he had won such honorable distinction; and the popular recognition of his services fostered his hopes in that direction. But the magnificent reception given him on his return from exile (Sept., 57 B.C.) could hardly have closed his eyes to the fact that the Triumvirate and not the people were supreme, and that among those who were at the moment all-powerful there was no place where he might exert himself. During the year following his return, with intervals of retirement he devoted considerable time to forensic duties at Rome, and several important speeches of that period are still extant. The next year was one of more complete retirement, spent at his villas, mainly at Puteoli, during which he devoted himself with characteristic industry and enthusiasm to literary labors. His letters show that he finished *de Oratore* in the autumn of that year (55 B.C.). To Lentulus Spinther in September he writes (ad Fam. I. 9, 23): *Quod rogas, ut mea tibi scripta mittam, quae post discessum tuum scripserim, sunt orationes quaedam, quas Menocrito dabo, neque ita multae, ne pertimescas. Scripsi etiam — nam me iam ab orationibus diiungo fere referoque ad mansuetiores Musas, quae me maxime sicut iam a prima adulescentia delectarunt — scripsi igitur Aristotelio more, quem ad modum quidem volui, tres libros . . . de oratore quos arbitror Lentulo tuo fore non inutilis; abhorrent enim a communibus praeceptis et omnem antiquorum et Aristoteliam et Isocrateam rationem oratoriam complectuntur.* And to Atticus in November of the same year (ad Att. IV. 13, 2): *De libris oratoriis factum est a me diligenter: diu multumque in manibus fuerunt; describas licet.*

2. Date and Historical Background of the Dialogue.

In the retirement of his studies Cicero turned back fondly to the consideration of those times which had exercised a most decisive influence in the development of the ideals of his life. In the present treatise the dialogue is thrown upon the historical background of events which immediately preceded the social war. Cicero was just coming to the period of the manly gown, and must have watched with a keen interest and with no little intelligence the doings of those eminent characters to whom he listened with admiration and who were both the instructors and the models of his youth.

It is no easy matter, if indeed it is at all possible, in the meagreness of original information upon the period, to present a clear idea of the historical situation and the exact relation of political parties.[1] It is sufficient to say, in brief, that the great problem with which, whether consciously or not, Roman statesmen had to grapple, was the transformation of the municipal institutions of Rome into the constitution of an empire. The particular questions in which this larger issue took special form were the admission of the Italian allies to Roman citizenship, and, in view of its relations to the government of provinces, the reform of the equestrian courts. The agitation of the former began with the growing burdens of the allies, and had been a prominent question in Roman politics since the legislation of C. Gracchus (122 B.C.). The consuls of 95 B.C., L. Licinius Crassus and Q. Mucius Scaevola, sought to check the agitation by abridging rather than enlarging their rights, and passed a law *de civibus redigundis*, prohibiting, under severe penalties, the citizens of allied towns from claiming the privileges of the franchise. The prosecutions under this law increased the bitterness of feeling and hastened the crisis.

The senatorial party were in turn exasperated by the abuse of justice on the part of the equestrian courts. Their scandalous misuse of the judicial power seemed to reach its height

[1] See Mom. Vol. III. p. 262 ff.; Duruy, Vol. II. p. 561 ff.

in the condemnation of P. Rutilius Rufus in 92 B.C.[1] His administration in Asia as the legate of Scaevola had been conspicuous for the resolute suppression of abuses and the protection of the provincials against the exactions of tax-gatherers and contractors, a policy which so enraged the equestrian order, that on his return they trumped up an absurd charge of extortion against him and actually convicted him. The aged Scaurus, for twenty years the chief of the Senate, became the victim of a similar charge.

An attack on the courts was inevitable; and M. Livius Drusus,[2] tribune (91 B.C.), came forward as the representative of the moderate conservative element and the champion of the Italian allies. He was the son of that Drusus whose efforts against Caius Gracchus had won for him the position of *Princeps Senatus*, and a man proud, earnest, and upright at least, if not gifted with the skill and insight which are required in successful political leadership.

Drusus proposed to transfer the judicial function from the *equites* to the Senate, to admit into the latter three hundred new members chosen from the equestrian order, and to establish a special criminal commission to try all jurymen who should be charged with taking bribes. This measure was primarily in the interest of the aristocracy, but Drusus hoped that the concessions to the *equites* would make it less objectionable to them, while to win the people, he further proposed to increase the largesses of corn, make money plenty by the doubtful expedient of debasing the silver coinage, and to reserve land in Italy and Sicily for citizen colonists. It was well understood also that these measures were only preliminary steps to giving the franchise to the Italian allies.

Drusus failed in his appeal to classes, and self-interest developed new phases of party action. Many of the senators were unwilling to receive the three hundred knights into their number, the knights were not reconciled to their loss of power by

[1] Vell. Pat. II. 13, 2; Cic. pro Rab. Post. 10, 27; in Pis. 39, 95; pro Font. 17, 38. [2] de Or. I. 7, 24; Vell. Pat. II. 13, 1 ff.

the promotion of a few of their order to the Senate, while among the landholding allies there was great anxiety lest the planting of colonies should interfere with their tenure of public land. The great mass of the Italians, however, attached themselves to Drusus; and as his proposals were really based upon a far-sighted policy, and looked beyond the temporary interests of any single class, he drew to his support the best elements of the aristocracy, — such men as M. Aemilius Scaurus, *Princeps Senatus*, Q. Lutatius Catulus, the conqueror of the Cimbri, his half-brother C. Julius Caesar, the illustrious orators M. Antonius and L. Licinius Crassus, the augur and Pontifex Maximus Q. Mucius Scaevola, and, of the younger generation, especially C. Aurelius Cotta and the talented P. Sulpicius Rufus. At the head of the opposition stood the consul L. Marcius Philippus, one of the most powerful orators of the time, and Q. Servilius Caepio. The agitation was not without violence, and the vote was delayed by every means known to Roman politics. The law as to jurymen would doubtless have been rejected if put to vote by itself, but Drusus carried it through by combining it in one enactment with the more popular proposals concerning corn and land, a proceeding expressly forbidden by the *lex Caecilia Didia* (98 B.C.). This led to still further violence. At the demand of Philippus the law was annulled by the wavering Senate, and Drusus soon after fell a victim to the assassin's knife.

The recurrence of the *ludi Romani* in the early autumn (Sept. 4–12) gave a brief respite from these political struggles and stormy debates. Those who did not share in the popular taste for the public spectacles[1] took advantage of the holidays to escape for a time from the city, and it is at this point that Cicero places the conversation in which he presents his theory of eloquence. All the participants in the supposed conversation are mentioned above among the partisans of Drusus, and we may now turn to a more particular consideration of these characters.

[1] Tusc. Disp. II. 17, 41.

3. Characters in the Dialogue.

(*a*) *Crassus.*

L. Licinius Crassus was born 140 B.C., in the consulship of Q. Servilius Caepio and C. Laelius Sapiens.[1] His parentage is not known. He married Mucia, daughter of Q. Mucius Scaevola Augur, and Laelia.[2] His wife was already dead in 91, having borne him two daughters,[3] one of whom was married to P. Cornelius Scipio Nasica.

Crassus came forward early as a public speaker, his first case being the prosecution of C. Papirius Carbo in 119, apparently for the part he took in the Gracchan agitation, although Carbo had later gone over to the *optimates*, and had in his consulship (120 B.C.) even defended L. Opimius, charged with responsibility for the cruel measures against C. Gracchus and his partisans.[4] The prosecution was pressed with so much vigor and effect that Carbo, as Cicero says,[5] committed suicide. In the following year, 118, he advocated in the popular interest[6] the proposition for the founding of a colony at Narbo Martius in Gallia Transalpina, recently subdued, and, notwithstanding the opposition of the Senate, carried his proposal,[7] and received himself the commission to found the colony. Less successful was his defense, in 113 B.C., of the Vestal Licinia, accused of unchastity, who with several other Vestals was condemned.[8]

Four years later (109) Crassus filled the quaestorship in Asia, and had intercourse there, as well as at Athens, on his return with the most renowned philosophers and teachers of rhetoric of that time.[9]

In 107 B.C. he held the tribuneship, but it apparently brought him into no special prominence.[10] More important again was the year 106, in which the consul Q. Servilius Caepio

[1] Brut. 43, 161. [2] de Or. I. 7, 24; III. 12, 45. [3] Brut. 58, 211.
[4] de Leg. III. 16, 35; de Or. II. 40, 170; 25, 106; 30, 132; 31, 134; 39, 165. [5] ad Fam. IX. 21, 3; Brut. 27, 103. [6] Brut. 43, 160.
[7] pro Cluent. 51, 140. [8] Liv. Perioch. 63.
[9] de Or. I. 11, 45; II. 90, 365; III. 20, 75. [10] Brut. 43, 160.

brought forward the proposition that the Senate should be again included along with the knights in the roll of the judges. Crassus availed himself of this opportunity to win the favor of the Senate by a most powerful speech in favor of the proposition.[1] Nevertheless the law seems to have been rejected; at least it by no means follows from Tac. Ann. XII. 60, *cum . . . rursum Serviliae leges senatui iudicia redderent*, that this proposed law really was passed. Equally unsuccessful was the speech which it is probable Crassus delivered in defense of Caepio, accused by C. Norbanus in the year 104.

As Aedile in 103, he exerted himself to win the favor of the people by brilliant games,[2] while again in 100 he took a decided stand against Saturninus, and with all eminent leaders of the Senate took up arms.[3] In succession he became Praetor, Augur, and in the year 95 Consul along with Q. Mucius Scaevola, Pontifex Maximus, who was his colleague in all offices of state except the tribuneship — which he held a year later than Crassus — and the censorship, to which the Mucii on principle never aspired.[4] As consuls, they introduced the famous *lex Licinia Mucia de civibus redigundis*, a measure of questionable wisdom and one followed by doubtful results, though it seems to have served some purpose in allaying the social agitation for a time. Beyond this it is only to be noted of the consulship of Crassus that he undertook certain expeditions against the people of the Alps of Hither Gaul, to win for himself the honor of a triumph.[5] The Senate appeared to be weak enough to yield to this quite unfounded demand,[6] but it failed through the vote of his colleague Scaevola. Scaevola two years later opposed Crassus again in the famous *causa Curiana*,[7] and this time under circumstances far less creditable, since Crassus had

1 Brut. 44, 164; de Or. I. 52, 225.
2 de Or. III. 24, 92; in Verr. II. 4, 59, 133; de Of. II. 16, 57.
3 pro Rab. 7, 21; 9, 26.
4 Brut. 43. 161.
5 de Inv. II. 37, 111.
6 in Pis. 26, 62.
7 de Or. I. 39, 180; 57, 242; II. 6, 24; 32, 140 ff.; Brut. 52, 195 ff.; Top. 10, 44; pro Caec. 15, 53.

the spirit and meaning of the law in his favor, and triumphantly defended the cause of Curio against the legal quibbles of his opponent, on the grounds of equity.

In the year 92, Crassus was censor with Cn. Domitius Ahenobarbus, who as tribune in 104 had carried the law concerning the choice of priests by the people. Attacked by this serious but stolid[1] colleague for his luxury and love of display,[2] Crassus took his revenge in an admirable *altercatio censoria*, a defense in which he gave full play to his effective wit and fine irony.[3] On account of this want of harmony between the two men, their censorship was in other respects without result, except that they published a judicial edict against the Latin rhetoricians who had lately made their appearance, and whose mode of instruction was not acceptable.[4]

The last effort of Crassus was made in the Senate in the cause of Drusus,[5] Sept. 13, 91, when he assailed Philippus in a speech of great eloquence and power. His death followed in a few days,[6] and removed one who was signally distinguished for uprightness of character and purity of sentiments, and who had by his gifts as a speaker won so high an eminence that he was regarded as a peer of the prince of the Senate M. Aemilius Scaurus.[7]

He was fitted for so commanding a position not only by his natural gifts, a certain refinement of feeling and intellectual versatility, but also by that comprehensive scientific training which he had acquired by a thorough study from youth of whatever was worth knowing in every department of intellectual activity, but especially of Greek art and knowledge, however little he was disposed to exhibit his pursuit of the latter to his own people.[8] His friendly relations with the poet Archias[9] furnish a proof of his efforts in this direction, as also

[1] Suet. Nero. 2. [2] Val. Max. IX. 1, 4.
[3] de Or. II. 11, 45; 56, 227; Brut. 44, 162, 164.
[4] Gell. XV. 11, 2; de Or. III. 24, 93 ff.; Tac. Dial. 35.
[5] de Or. I. 7, 24. [6] de Or. III. 2, 6. [7] Val. Max. VIII. 5, 2.
[8] de Or. II. 1, 4. [9] Poet Arch. 3, 6.

his plan of elaborating a system of jurisprudence,[1] from the execution of which he was probably hindered by his early death.

Roman oratory owes to Crassus a powerful impulse in many directions, perhaps in none more than in the higher ideal of polish and grace in language and delivery. His speeches were marked by wealth of ideas, clear statement, and an abundance of illustration.[2] His mode of expression was as simple and natural as it was choice; his sentences were constructed with careful art, but with a preference for the brief and incisive rather than the rounded periodic form.[3]

Before his audience he exhibited dignity and quiet earnestness, which, however, by no means excluded wit and humor.[4] His delivery, usually mild and uniform, was animated and impressive in passionate speech.[5] He never spoke without most careful preparation, and as a result, his utterances were anticipated with keen interest, and listened to with undivided attention to the end.[6] His comprehensive training made it possible for him to undertake the most varied exercises, so that he was distinguished in judicial as well as in political oratory. He remained in the latter absolutely unrivaled, while in the former, a rival of equal rank, M. Antonius, sought to contest the first place not without success.

(*b*) *Antonius.*

M. Antonius, the grandfather of the triumvir, was born three years before Crassus, 143 B.C., in the consulate of Appius Claudius Pulcher and Q. Caecilius Metellus. He held the quaestorship in 113, and in 112 came forward as the prosecutor of Cn. Papirius Carbo,[7] who had suffered a crushing defeat from the Cimbri the year before, on a charge *de maiestate*. The prosecution was conducted with such success that Carbo com-

1 de Or. II. 33, 142.
2 Brut. 39, 145; and 38, 143.
3 Brut. 38, 143; 44, 162.
4 Brut. 38, 143; 40, 148; de Or. III. 9, 33; II. 56, 228; I. 7, 27; 57, 243, etc.
5 de Or. I. 52, 225; II. 45, 188; III. 1, 4.
6 Brut. 43, 158.
7 Liv. Perioch. 63.

mitted suicide by drinking vitriol.[1] Antony was praetor, probably in 102, along with P. Marcius Philippus and Cn. Domitius Ahenobarbus, and with proconsular power conducted an expedition against the pirates of Cilicia, defeated them, and celebrated a triumph on his return to Rome. In 100 he was among those who took a determined stand against Saturninus,[2] and in 99 was consul, with A. Postumius Albinus as colleague, and offered a firm resistance to the popular tribune Sex. Titius [3], in his advocacy of an agrarian law. In the following year he successfully defended the consul of 101, M' Aquilius, prosecuted by L. Fufius for extortion.[4] He became censor in 97, in which year he decorated the rostra[5] with the booty won in the war with the pirates, and upon it triumphantly defended himself against an accusation of bribery[6] brought by M. Duronius, whom he had ejected from the Senate. Three years later he undertook the defense of C. Norbanus,[7] prosecuted under the *lex Appuleia de maiestate*, by P. Sulpicius Rufus, who represented the nobility. Undoubtedly by taking this defense upon himself, and especially by the practice of the arts of sophistry,[8] to which he resorted to secure the acquittal of his client, Antony rendered a very doubtful service to his party; yet Norbanus would hardly have been acquitted had not the *equites* wished to show their gratitude [9] for his appearance against Caepio, who had sought in 106 to deprive them of their judicial privileges, and whose condemnation in 104 had been brought about through the efforts of Norbanus.

Antony served as *legatus* in the Social war, and in 89 was among those accused under the Varian law *de maiestate*, but was acquitted as the result of the passionate eloquence of his

[1] ad Fam. IX. 21, 3.
[2] pro Rab. 9, 26.
[3] de Or. II. 11, 48; Val. Max. VIII. 1; de Leg. II. 6, 14; pro Rab. 9, 24 ff.
[4] de Or. II. 28, 124; 47, 194 ff.
[5] de Or. III. 3, 10.
[6] de Or. II. 68, 274; Val. Max. II. 9, 5.
[7] de Or. II. 21, 89; 25, 107; 47, 197 ff.; 75, 305.
[8] de Or. II. 39, 164; 40, 167; 48, 199 ff.
[9] de Or. II. 48, 199.

equites. Certain it is that he brought forward again the proposition for the recall of the exiles with some slight but significant change in the wording of the law, — *non exsules sed vi eiectos se reducere dicebat*.[1]

To the same purpose no doubt — for creditors were mainly of the equestrian order — was the law that no one should be a senator who owed more than 2000 *denarii*, and he would probably have filled the vacancies thus created from the ranks of the *equites*.

When, however, his main law, which provided *ut novi cives libertinique in omnis tribus distribuerentur*, was proposed to the people, the consuls Sulla and Pompeius Rufus proclaimed a *iustitium*, or suspension of all public business for religious observances. Sulpicius and his followers resorted to force and a riot ensued. The lives of the consuls were in danger. Sulla canceled the *iustitium* and escaped to his army at Nola. Then the law was passed and Sulpicius came forward with another, — *ut Sullae imperium abrogaretur, C. Mario privato pro consule provincia Asia et bellum decerneretur Mithridaticum*.[2] Sulla marched upon Rome with six legions, and after a bloody struggle made himself master of the city. Marius, Sulpicius, and ten other leaders were proscribed. Marius escaped for a time, but Sulpicius was killed at Laurentum, his hiding place having been betrayed by a slave.[3]

Sulpicius possessed in a high degree the qualities which contribute to brilliant oratory. To remarkable endowments of nature both mental and physical,[4] he added that training which develops keen insight, clear and correct judgment, and easy grace in delivery. Exuberances in thought and diction, faults quite natural to one gifted with vivid fancy, and powers so quick and active, he promptly corrected by making a model of Crassus.[5] Cicero speaks of him[6] as the grandest and, so to

[1] ad Her. II. 28, 45.
[2] Vell. II. 18, 2.
[3] Liv. Perioch. 77; Val. Max. VI. 5, 6; Vell. Pat. 2, 19, 1.
[4] de Or. I. 29, 131 f.; III. 8, 31.
[5] de Or. II. 21, 88 ff.
[6] Brut. 55, 203.

speak, the most tragic of all the orators that he had heard; a voice strong without harshness, clear without loss of sympathetic charm; his movements characterized by unstudied grace; his utterance smooth and rapid without excess. His one deficiency from Cicero's point of view was a lack of thorough knowledge in the departments of liberal study, as literature, history, and law.[1] Philosophy also appears to have been but lightly esteemed by him.[2] Even with these defects, he won for himself a very high place among the orators of his time.

(*d*) *Cotta.*

A pleasant contrast to Sulpicius in nearly every respect is presented by C. Aurelius Cotta, attached to Antony as the other was to Crassus. He was born in the same year with Sulpicius, belonged to the same party of moderate conservatism, to which position, unlike Sulpicius, he held to the last. In 92 he took some part along with Scaevola in the defense of his uncle P. Rutilius Rufus.[3] He was personally, as well as politically, attached to Drusus, and in the year of this dialogue (91) stood for the tribuneship[4] in his interest, and perhaps for that reason failed to obtain it.[5] In the next year he was banished among the victims of the Varian prosecutions, but was recalled by Sulla in 82. In 79, along with Hortensius, he defended M. Canuleus as also Dolabella,[6] who was prosecuted by Julius Caesar; and in 75 attained to the consulship with L. Octavius.

The laws that are associated with his name give evidence of his moderate temper in politics. One, however, by which he restored, in part at least, the power taken from the tribunes by Sulla, and secured to them the right to hold higher magistracies afterward, roused bitter hostility among the *optimates*[7] and Cotta himself proposed its abrogation.[8] After his consul-

1 Brut. 59, 213.
2 de Or. III. 36, 147.
3 de Or. I. 53, 229; Brut. 30, 115.
4 de Or. I. 7, 25.
5 de Or. III. 3, 11.
6 Brut. 92, 317.
7 pro Corn. fr. 27.
8 pro. Corn. fr. 8, 9.

ship he went to Gaul[1] and was sufficiently successful in his campaigns to win the honor of a triumph. He died, however, a few days before the time set for its celebration.[2]

He represents as a speaker a more mild and delicate type of oratory[3] than Sulpicius, a style of speaking to which he was inclined both by temperament and by physical weakness. He was eminent for powers of easy invention and of graceful and appropriate expression.[4] His preference in philosophy was for the New Academy,[5] which he represents in the dialogue *de Natura Deorum*, and in accordance with the methods of this school it was his habit to convince by the candid statement of arguments *pro et contra*. Indeed it is doubtful whether Sulpicius, with his more vigorous methods, and his more passionate appeals, was more persuasive or more impressive to those who heard, than Cotta with his earnest appeals to candid reason.

(*e*) *Scaevola.*

The four characters previously mentioned have a part in the entire dialogue; Q. Mucius Scaevola appears only in the first book. He is known as the Augur, to distinguish him from the colleague of Crassus in the consulate, Q. Mucius Scaevola, Pontifex Maximus. He was admitted to the college of augurs through the influence of his father-in-law C. Laelius Sapiens,[6] by whom he was also incited to the study of philosophy. His preference in that pursuit, like most great Roman lawyers, was for the Stoic school,[7] and he was on terms of intimacy with Panaetius, its leading representative at Rome.[8] In 121 B.C. he was praetorian governor of the province of Asia, and on his way thither at Athens met T. Albucius, whom he rallied for his Greek affectations,[9] for which Albucius in 120 sought to avenge himself by bringing against him, on his return from Asia, a

[1] Brut. 92, 318.
[2] in Pis. 26, 62.
[3] Brut. 55, 201 f.; Or. 30, 106.
[4] Brut. 55, 202; de Or. III. 8, 31.
[5] de Or. III. 36, 145.
[6] Brut. 26, 101.
[7] de Or. I. 10, 43.
[8] de Or. I. 11, 45; 17, 75.
[9] de Fin. I. 3, 8; de Or. III. 43, 171; Or. 44, 149.

charge *de pecuniis repetundis*, but without success.[1] In 117 Scaevola was consul with Q. Caecilius Metellus. During the disturbances of 100, he took part against Saturninus as actively as the weakness of age and broken health would permit.[2] He lived, according to the common account, until 84 B.C., a useful and honored life, freely consulted by those who wished to avail themselves of his legal knowledge,[3] and especially eminent for the intrepidity with which in 88 he resisted the demand of Sulla that Marius be declared a public enemy.[4] His views with reference to the art of oratory are determined by his practical standpoint as a man of wide experience in the world, and devoted to legal studies. He did not admit the necessity of that wide culture which Crassus insisted upon,[5] yet he was by no means unfriendly to Greek learning, and while at Rhodes appears to have cheerfully exchanged views upon the theory of eloquence with a man like Apollonius of Alabanda.[6]

(*f*) *Catulus.*

The two half brothers, Catulus and Caesar, appear in the second and third books. The elder, Q. Lutatius Catulus, was the colleague of Marius in the consulship in 102, a position for which he had been more than once an unsuccessful candidate.[7] As consul entrusted with the defense of the Italian border against the Cimbri, he was compelled to retreat and to abandon the whole of northern Italy as far as the Po to the enemy. In 101 the Cimbri were crushed at Vercellae, a victory, however, for which Marius received and perhaps deserved the main credit, though the army of Catulus took a larger share of booty, and Marius willingly shared the honors of his triumph with

[1] Brut. 26, 102; de Or. I. 49, 214; II. 70, 281.
[2] pro Rab. Perd. 7, 21.
[3] de Or. I. 45, 200; Phil. VIII. 10, 31; Brut. 89, 306.
[4] Val. Max. III. 8, 5.
[5] de Or. I. 9, 35 ff.
[6] de Or. I. 17, 75; and see 35, 164.
[7] pro Mur. 17, 36; pro Planc. 5, 12.

his less famous colleague.[1] In the following year he opposed Saturninus; in 91 was on the side of Drusus against Philippus; in 87 was among the victims of the Marian prosecution, and as Marius would give no heed to appeals in his behalf, he committed suicide by inhaling the fumes of charcoal in a newly plastered room.[2]

Catulus was deeply learned in Greek literature, and especially in philosophy, in which studies his efforts were directed with the utmost intelligence and pursued with the most lively interest. Cicero everywhere testifies to his noble disposition and upright character. We have further evidence to the same effect, and of his good taste and purity in the use of language, in the nature of the treatise he composed upon his consulship.[3] Among the examples of his oratory was the funeral oration over his mother Popilia.[4] He seems to have lacked passionate force in delivery, but was eminent for a certain refinement, grace, and seriousness, which, added to pleasant tones of voice, went far to compensate for this deficiency.[5]

(*g*) *Caesar.*

C. Julius Caesar Strabo Vopiscus was much younger than Catulus, son of the same mother, and own brother of L. Julius Caesar, who played so prominent a part in the Social war, and author of the *lex Iulia de civitate sociis danda.* He was a busy and popular advocate.[6] As early as 103 B.C. he prosecuted T. Albucius[7] for extortion in Sardinia. Albucius was convicted and went in exile to Athens.[8] In 90 he held the curule aedileship, and in 88 was a candidate for the consulship contrary to the *lex Villia annalis,* not having been praetor. Sulpicius, with whom he had formerly been in harmony, very properly resisted

[1] Liv. Perioch. 68; Tusc. Disp. V. 19, 56.

[2] de Or. III. 3, 9; Vell. II. 22, 3; Val. Max. IX. 12, 4; de Deor. Nat. III. 32, 80.

[3] Brut. 35, 132.

[4] de Or. II. 11, 44.

[5] de Or. II. 18, 74; III. 8, 29; II. 7, 28; Brut. 74, 259.

[6] Brut. 57, 207.

[7] Div. in Q. Caec. 19, 63.

[8] Tusc. Disp. V. 37, 108.

his course and supported by the tribune Antistius compelled him to abandon his candidacy. In 87 he with his brother Lucius fell in the Marian massacre.[1]

His special merit in oratory was in the direction of grace and wit — of which last many specimens are given in *de Oratore* — and a rich vein of humor which enabled him to give a bright and cheerful side even to unpleasant subjects.[2] Such a gift was comparatively new at Rome[3] and must have contributed an important element to Caesar's influence as an orator.

4. The Meeting of these Men, and their Conversation on the Subject of Oratory; Cicero's Motive in preparing the Treatise.

It seems likely that these men at some time held a conversation concerning oratory, the main points of which were related to Cicero by Cotta.[4] Upon that historical foundation he elaborates his own views on the nature of eloquence, in the form of a dialogue held by these men, placing the time of the conversation in the last days of the revered Crassus.[5] At the time of the *ludi Romani* (Sept. 4–12), during which there were no sessions of the Senate, Crassus, according to Cicero's plausible fiction, had betaken himself to his Tusculan villa, with Scaevola, Antony, and the younger men Sulpicius and Cotta, that he might among these congenial friends rest from the strife of the last few days and renew his strength for the labors that were to follow.[6] Very naturally in this retirement they conferred together upon public occurrences, and talked freely of their grief at the present situation and their anxiety for the future.[7] It is also quite natural that these highly accomplished men should not devote themselves wholly to these painful

[1] de Or. III. 3, 10; Brut. 89, 307; Tusc. Disp. V. 19, 55; Val. Max. V. 3, 3.

[2] de Off. I. 30, 108; 37, 133; Tusc. Disp. V. 19, 55; de Or. II. 54, 216.

[3] de Or. III. 8, 30; II. 23, 98.

[4] de Or. I. 2, 4; 7, 26; 8, 29; III. 4, 16; II. 2, 7; 3, 11.

[5] de Or. I. 7, 24; III. 1, 2. [6] de Or. I. 7, 24. [7] de Or. I. 7, 26 ff.

themes, but should turn to the more cheering and elevating topics which their taste would prefer and their culture suggest; just as Cicero found solace and compensation for the loss of political activity in the resumption of his studies.

Furthermore, a more interesting and attractive topic of conversation could hardly be suggested for these eminent statesmen and orators than an inquiry as to the nature and theory of eloquence, and a more suitable form for the treatise of Cicero could hardly have been chosen than the one he has used. According to his own account,[1] he is brought to the choice of this subject by the request of his brother, and there is no sufficient reason to doubt the correctness of the statement. Quintus had enjoyed the same training with Marcus,[2] and may well have preserved his interest for a subject in which his youth had been exercised,[3] though his career had been developed on very different lines. We must look, however, for the real inner motive and purpose of the writer in his wish to convince his countrymen of the correctness and necessity of his own methods in oratory. There were many who thought that nothing beyond natural capacity, practice, and a certain boldness were required by the orator; others who held that a theoretical training was necessary, but limited it to the acquaintance with the usual rhetorical text-books,[4] in which, according to the system of the elder Hermagoras, there was a large number of definitions, categories, and rules abstract, and for practical uses quite unprofitable. Cicero himself had, however, early reached the conclusion, confirmed by his experience, that superiority in eloquence could not be acquired without practice and large experience in life,[5] and, most of all, without comprehensive education.[6] To produce the same conviction in others he pointed to his own example, and showed that he

[1] de Or. I. 2, 4 ff.; 6, 23 ff.; 8, 29; II. 1, 1 and 3; 3, 10 f.; III. 4, 16.
[2] de Or. II. 1, 2; de Fin. V. 1, 1.
[3] de Or. I. 2, 5; II. 3, 11.
[4] de Or. I. 5, 19; III. 14, 54.
[5] de Or. III. 14, 54; I. 34, 157; II. 18, 76.
[6] de Or. I. 2, 5; 5, 16 ff.; 6, 20; 28, 128; 34, 158 ff.; II. 1, 5, etc.

owed his eminence in oratory, first of all, to his extensive pursuit of philosophical, juristic, and historical studies, to which he had been devoted from his early youth. In doing this he conducted the Romans back to those sources which must ever be the means of intellectual quickening and training,—the products of Greek literature. Here he arrives at that point where his most important task, his universal mission, begins. He was not destined as a statesman to change existing conditions and introduce a new order of things, but rather selected as the instrument to bring Greek learning home to the Roman genius,[1] and transmit the Greek idea of culture to posterity. No other Roman possessed such familiarity with all branches of Greek art and learning, or made such earnest endeavors to give it a footing in Roman soil.

What he asserted ten years later with reference to his philosophical writings—that he wished to prove himself useful to his fellow-citizens through them, in his leisure[2]—applies to all his writings, to none more than the three books *de Oratore*, in which a wealth of most valuable material for training was brought to his people. Furthermore, Cicero owed it not only to his contemporaries but to his own fame, to prepare a new treatise on oratory, since the theory developed in *de Inventione*, written in his youth, had been superseded in the standard of his own practice; although even in that treatise, he had in single points, made advances upon the customary systems of rhetoric, and had directed attention to the classical models of the Greeks.[3] This youthful essay, however, as he himself suggests,[4] in no respect answers to the oratorical perfection which we see realized in his maturer efforts; but in *de Oratore* he has supplied to the learned world a work which, while it does not aim to elaborate in full detail a system of rhetoric, gives evidence, not only of the most comprehensive knowledge of the subject, theoretical and practical, but of a fine intel-

[1] de Div. II. 1, 1; Tusc. Disp. II. 2, 5; Brut. 73, 254.
[2] Tusc. Disp. I. 3, 5.
[3] de Inv. II. 2, 5.
[4] de Or. I. 2, 5.

lectual nature, of great breadth of culture, and of a taste refined through study and reflection.

5. Choice of Conversational Form.

The choice of conversational form is to be traced to Greek models, and if particular authors are thought of, rather to Aristotle[1] than to Plato; for it is not the Socratic search for truth by question and answer, but the continuous exposition by different persons in the same company. Unlike Aristotle, however, Cicero does not appear in his own character, but is represented in his opinions by eminent and well-known men no longer living at the time the treatise was composed.[2] There was a twofold advantage in this method; the author would escape being too conspicuous in a literary form new to the Latin, and the views presented which were not shared by all his contemporaries would be commended and justified by the respect universally felt toward those who had presented them.

Besides the fact that the characters of the dialogue were not mere rhetoricians without practical experience, but belonged to the most cultured and eminent statesmen of their time, it is also to be noted that the discussion of each particular part of the orator's work is assigned to that one whose skill in that department was matter of common fame. In this way he could adapt part to part, give coherence and unity to the whole, and while he gave full expression to the views of each, could at the same time subject these views to the test of argument according to the Academical method *in utramque partem disputandi*.[3] By this means obviously, the chief men among those who by their age, experience and position in life were qualified to teach, were brought to the front, especially Crassus and Antony, the foremost orators of their time.[4] Also the younger members of

[1] ad Fam. I. 9, 23. [2] ad Att. XIII. 19, 4.
[3] de Or. III. 21, 80; 36, 145; Or. 3, 12.
[4] Brut. 36, 138; 86, 296; Or. 5, 18.

the company have an important part to play, inasmuch as, by expressing their wishes, their questions, and their doubts, they keep the current of talk in motion, and, at the end of a long exposition bring out the general result to which it has led.[1] Finally, the interchange of speech in dialogue gives clearness, variety, liveliness and interest to the treatise.

6. The Views of the Individual Characters as related to Cicero.

Although Cicero keeps himself quite in the background, it is easy to see that Crassus must, in the main, be regarded as the representative of his views. He would be drawn to Crassus by a certain congeniality of temper and taste, a man who, like himself, took delight in the thorough study of all the nobler products of human genius and especially of Greek art and knowledge, and who saw in such study the surest means of rising to eminence in oratory and statesmanship. He was a man too, who, like himself, had formed a plan of elaborating a systematic treatise on the civil law,[2] and who had been a model for him in his rhetorical exercises,[3] who began his speeches with the same embarrassment as he,[4] and who seemed so like him in the taste for beauty of form and a certain fondness for display not only in speech but in life. But the other older men also express his views when they establish their assertions as against an opposite opinion, as, *e.g.*, Antony, who, after originally contesting the necessity of universal education, seems to be brought into agreement with his opponents, yet holds fast to the original standpoint of a sound realism, which, in his development of the theory of invention, displays a mind as practical as it is truly scientific; a man who essayed a treatise in his youth on the nature of eloquence, as Cicero did.[5] Likewise Scaevola, though

[1] de Or. I. 21, 96 ff.; 29, 131; 30, 136; 32, 148; 35, 163; 47, 205, etc., etc.

[2] de Or. I. 42, 190; II. 33, 142.

[3] de Or. I. 34, 155; Brut. 90, 310.

[4] de Or. I. 26, 121; Div. in Q. Caec. 13, 41; pro Cluent. 18, 51, etc.

[5] de Or. I. 21, 94; 47, 206; III. 49, 189; Or. 5, 18; Brut. 44, 163.

he expresses a narrow view of the significance and power of the art of oratory,[1] was an eloquent and forcible representative of Cicero with reference to the necessity of a thorough mastery of the civil law.[2] Caesar, again, is made to speak upon wit in oratory, and in a passage as interesting as it is extended[3] must present the views of the witty author. Catulus finally, the elegant Greek scholar and stylist, performs his part in confirming and commending the ideal aims and requirements of Crassus.

7. Scene and Special Topics of the Discussion.

Cicero has assigned the entire discussion to two days, the first of which is devoted to preliminary inquiries concerning the general conception and nature of eloquence, the limits to which the theoretical discussion of it must be confined, and the essential requirements for true oratory with reference to natural endowments and education. On this day, besides the two young men, only Crassus, Antony, and Scaevola were present, and on account of the general character of the subject treated, a leading part is not assigned to any single one, but instruction is given by the three elder men present, in about equal measure; so that we have, along with the ideal flights of Crassus, the practical views of Antony and Scaevola, and theoretical requirements are duly modified by the conditions of real life. Scaevola has also the further part, not only of confirming the testimony of Crassus as to the value and necessity of legal knowledge, but also of softening differences of opinion by the display of characteristic good humor.[4]

The conversation of the first day is confined to the forenoon,[5] and takes place under the shade of a spreading plane tree,[6] as Plato in his *Phaedrus* represents Socrates conversing with his companions, with the difference, however, that the Greeks lay

[1] de Or. I. 10, 44.
[2] de Or. I. 36, 165; 47, 204.
[3] de Or. II. 53, 216–71, 290.
[4] de Or. I. 9, 35.
[5] de Or. I. 62, 265; II. 3, 12.
[6] de Or. I. 7, 28.

on the grass, while Crassus, quite in harmony with his tendency to the comfortable enjoyment of life, had cushions brought for his guests.[1]

On the following day they converse upon more special topics, devoting the whole day to the discussion. The aged Scaevola had taken his departure the preceding evening,[2] and Catulus and Caesar are added to the party, men who bring new interest to the interview by their scholarly attainments and their ability to furnish technical information as the need arises. The leading part of the forenoon falls to Antony, who, a master in the discovery and distribution of subject matter, and a man of remarkable memory,[3] naturally treats of *inventio*, *dispositio*, and *memoria*, in the meantime touching incidentally upon points treated by Crassus the preceding day. The discourse is varied by a graceful interruption by Caesar, a man eminently endowed with a fine sense of humor, who talks of wit in its relations to oratory, giving numerous specimens.

Not without some reference perhaps to the topics of the morning, the scene of the interview is not the shaded slope as on the preceding day, but the colonnade,[4] whose well-built walls and symmetrical columns suggest strength, order, and permanence. After a midday period of repose, which Crassus devotes rather to meditation than to sleep,[5] they meet again and repair to a beautiful grove[6] at some distance from the house, where in the pleasant shade, surrounded by "nature beautified," Crassus completes the treatise in a discourse upon style and delivery. Thus, without the severe formality of the drama, we have in the graceful and easy variation of character and scene all the pleasant effects of dramatic presentation without the sacrifice of unity of treatment, a work in which the author displays a refined taste and consummate art, no less than a comprehensive mastery of his subject.

[1] de Or. I. 7, 29.
[2] ad. Att. IV. 16, 3.
[3] Brut. 59, 215; 37, 139.
[4] de Or. II. 3, 12; III. 30, 121.
[5] de Or. III. 5, 17.
[6] de Or. III. 5, 18.

8. To what extent original.

The *de Oratore* is a finished literary work, and therefore in outward form presents a wide departure from the technical method which prevailed in the rhetorical manuals of the time, of which the treatise *ad Herennium*[1] is a good specimen. So with regard to the subject-matter Cicero paid little heed to his immediate predecessors, and went rather back to Aristotle and Isocrates, the former of whom had in his Rhetoric given a systematic form to the theory of eloquence, having given special attention to the materials of oratory; while Isocrates had developed practically and theoretically the formal side of the subject.

This eclectic course had been pursued before Cicero, especially by Hermagoras of Temnos, by whom the system of rhetoric prevalent till Cicero's time was determined; so that in him the Aristotelian as well as the Isocratic school was represented. The composers of manuals, however, usually drew their matter only from their immediate predecessors, while Cicero, as has been said, went back to the original sources.

There can be little doubt that he was familiar with the Rhetoric of Aristotle at first hand. He quotes passages with more or less accuracy, and must have learned from the original the philosopher's summaries of former rhetorical systems.[2]

It need not be insisted either that he always accurately presented the system of Aristotle, or perfectly comprehended it. He hardly had the philosophical depth and acumen for such a task, and his purpose was better accomplished by adapting such main features as could easily be gleaned in a rapid reading. But it is a significant fact that the use of Aristotle is especially evident in those parts in which the work goes into greatest detail, viz., in the treatment of *inventio* and *collocatio* in Book II.

[1] Rhetoricorum ad C. Herennium Libri Quattuor, early attributed to Cicero, and included in his rhetorical works, but now generally attributed to Cornificius.

[2] de Inv. II. 2, 5; de Or. II. 38, 160.

While, however, Aristotle treats not only the γένος δικανικόν, and συμβουλευτικόν, but also the ἐπιδεικτικόν, Cicero, following probably the traditional rhetoric of his time, gives only incidental attention to the last.

He speaks with some disparagement[1] of the system of Hermagoras, yet acknowledges its utility for preparatory training,[2] and has even made more use of it than he is disposed to admit. He has not only retained, for example, the entire scheme in its main outlines, with a slight variation in the order, but also in detail, especially in the theory of the *status*, has evidently borrowed chiefly from him; and in reading what he says of *memoria* in Book II., and of *elocutio* and *actio* in Book III., the impression frequently arises that the traditional systems were had in mind.

A notable advance was made upon these manuals, however, not only by the omission of many formal details with which the rhetorical treatises since Hermagoras were filled, but by giving more precise and scientific expression to essential points, by laying due emphasis upon the need of broad culture and practice, and by the power of the master orator to rise out of the region of mere rules into that of full knowledge and mature reflection. Most valuable of all are the practical observations which Cicero derives from his own experience, the enrichment of the whole from his vast and varied stores of knowledge in nearly every department of ancient literature, and the numerous and full references to the public life of the Romans. In allowing the speakers by way of illustrating and confirming their views, to refer to, and relate passages in their own experience, he has imparted a peculiar charm to the treatise, and besides, has furnished a rich source of information for an important period of Roman history.

9. The Style.

The *de Oratore* is regarded by scholars as probably the greatest of Cicero's works. He turned to this favorite theme

[1] de Or. II. 18, 76; 19, 81; 26, 112; 31, 133; III. 20, 75; 21, 81; 24, 93.
[2] de Or. I. 32, 145; II. 27, 117; 39, 162; Brut. 76, 263; 78, 271.

with fondness, and worked upon it with care, and without haste; *de libris oratoriis*, he says (ad Att. IV. 13, 2), *factum est a me diligenter; diu multumque in manibus fuerunt.*

While the language is adapted, in some measure, to individual peculiarities and pursuits, there is, growing out of the character and eminence of the persons speaking, a tone of refinement and elevated courtesy, softened by the delightful ease and grace of familiar conversation, so that we have here at its best that peculiar charm of style which has made Cicero the model of the best Latinity. In the type of Latin with which he has made us familiar we look for clearness and force, but with little impression of haste or condensation. His periods are rich and full, and flow smoothly, with the easy grace of leisure.

(1) What I have called *libration*[1] contributes very largely to this rhythm. I mean by that, the balancing of related parts of sentences, and the grouping of ideas and synonyms in pairs. The pulse of the periods beats in double throbs; there is a vibratory action, a measured rise and fall in the movement, which does not answer to the two directions of accent, or to the alternations of quantity. It would hardly be possible to open the *de Oratore* without finding abundant illustration of what is meant. We note everywhere, not only the graceful adjustment of part to part in sentence-building, but the doubling of the elements of a sentence, — subject, verb, adjunct, — which seems the result of a cultivated preference for the dual cadence.

There is a natural tendency in emphatic speech, to re-inforce meaning by repetition, or double strokes; and it is in the nature of expression, further, to seek clearness and emphasis by throwing parts of sentences into the attitude of correlation. This we find in all languages, but the Latin in particular developed an elaborate machinery for the production of the dual cadence, — first, in the particles which throw clauses and phrases into correlation, and admit them in pairs, as *eo . . . quo*, *ita*

[1] In a paper entitled, "Libration in the Periods of Cicero," read before the American Philological Association, Chicago, July 13, 1893.

. . . *ut*, *et* . . . *et*, *alius* . . . *alius*, *cum* . . . *tum*, *tantum* . . . *quantum*, *non solum* . . . *sed etiam*, etc.; and secondly, in its ample vocabulary, furnishing the materials for duplicates, made available by the simple devices of coördination.

In Cicero this goes beyond mere emphasis, and becomes a matter of movement and rhythm. His sentences vibrate with pairs, in which the added members give differences of meaning of course, if we insist upon looking into the shades of meaning — but very often without distinct intention beyond the rhythmic libration, where there is duplication in the movement without cumulation of thought; as, *animo et cogitatione*, 6; *regere ac gubernare*, 8; *immensum infinitumque*, 22; *tribuat et concedat*, 48; *callide et perite*, 48; *loquimur et quaerimus*, 49; *tribuam et dabo*, 57; *expetenda atque optabilia*, 221; *remissius et lenius*, 255; *iungi copularique*, 222; *concesso et tradito*, 235; *spolies et denudes*, 235, etc., etc., from one or two, to eight or ten such pairs in nearly every one of the 265 sections of Book I.

This is conspicuously the case in sentences which start out with a vibratory swing, and the movement is then kept up through a succession of pairs.

Such a style offers an excellent opportunity for the study of synonyms; but that method of study applied to a particular text is likely to inject more thought into the phrases than the writer was conscious of. Of course Cicero is accurate and discriminating in his choice of words, but when his sentences fall into vibration we must not press too hard our search for an argument in every phrase.

Turn now to note a few variations, and the methods of securing the dual cadence in larger groups of particulars.

(*a*) The libration often extends to the structure in detail of whole phrases and even clauses; as, *verbis ad audiendum iucundis et sententiis ad probandum accommodatis*, 213; *vestram iniquitatem accusatote* . . . *meam facilitatem laudatote*, 208.

(*b*) The second member is very often more fully developed, especially at the close of a period; as, *suum ius atque omnium rerum impunitam libertatem tenere*, etc., 226.

(*c*) On the other hand, where more exact rhythmic balance is desired, it is secured by attaching common adjuncts partly to one and partly to the other member; as, *plura proferre possim detrimenta publicis rebus, quam adiumenta per homines eloquentissimos importata*, 38.

(*d*) The terms of the first member are reversed in the second; as, *iuris peritorum eloquentissimus, eloquentium iuris peritissimus*, 180.

(*e*) Pairs occur within pairs. A frequent example is where a second member connected by *aut* contains a subordinate pair similarly connected; as, *ne aut de C. Laeli soceri mei aut de huius generi, aut arte aut gloria detraham*, 35.

(*f*) In the management of larger groups of particulars, when they are subjects which require discussion, they are frequently introduced in pairs; as, *quis musicis quis huic studio litterarum*, 10.

(*g*) When mention is all that is required, the mere list still bears evident traces of libration, the vibratory grouping being determined by similarity or contrast of meaning; as, *ut de dis immortalibus de pietate, de concordia de amicitia*, etc., 56, a final item, not in libration, as in this example (*de omni virtutis genere*), being added to sum up the preceding pairs.

(*h*) The series of particulars at times presents a climacteric gradation, and yet easily falls into the vibratory swing; as, *vitia autem hominum atque fraudes, damnis, ignominiis, vinclis, verberibus, exsiliis, morte, multantur*, etc., 194.

(*i*) In formal libration the second member is sometimes broken into a pair; as, *non modo acute sed etiam ridicule et facete*, 243.

(*k*) In such cases the enlargement of the single member often balances a lighter pair; as, *neque minus haec tamen tua gravissimi sermonis lenitas, quam illa summa vis et contentio probatur*, 255.

(*l*) Even without the forms of libration a difference of connective often puts the items of apparent triplets on a slightly different footing, the result being some variation of the dual

cadence; as, *minis et vi ac metu*, 247; where *metu* is the result of the other two, and *ac* throws it out of coördination.

(*m*) Then, again, in formal triplets the third member often contains a pair, thus giving the effect of double libration; as, *compositam orationem, et ornatam et artificio quodam et expolitione distinctam*, 50.

(*n*) Groups of four are almost always thrown into the form of two pairs. The following passages will illustrate a few of the many methods of combining them: *qui tantum modo in iure aut in iudiciis possit, aut apud populum aut in senatu . . . loqui*, 48; *magis magnam atque uberem quam difficilem et obscuram*, 190; *nulla in re tironem ac rudem nec peregrinum atque hospitem in agendo*, 218; *more suo, nullo apparatu pure et dilucide*, 229; *ut dies curiae fuisse videretur, convivium Tusculani*, 27; *nisi custos inventis cogitatisque rebus et verbis adhibeatur*, 18; *ut non supplex aut reus sed magister aut dominus videretur*, 231; *ex legibus et ex senatus consultis et ex vita et sermone communi*, 243; *vel laudandi, vel vituperandi, vel comprobandi, vel refellendi causa*, 257.

(*o*) Words are displaced to bring them more obviously into pairs; as, *alacri et prompto, ore atque vultu*, 184.

(*p*) The same with chiasmus; as, *omnium rerum atque artium rationem naturamque*, 80.

This trait of style should be borne in mind in dealing with those figures — as hendiadys, hysteron-proteron, zeugma, etc. — in which duplication plays a prominent part.

(*q*) Hendiadys occurs, but clear cases are much more rare than is usually supposed. The verb in the singular is by no means a decisive test, as that may occur as the result of the emphatic distribution of the subjects in the writer's mind; or from the momentary lapse of one substantive from thought. Examples of hendiadys are, — *urbis ac vitae*, 21 ("life in this city"); *moderatione et sapientia*, 34 ("wise control"); *artificio et expolitione*, 50 ("artistic finish"); *aditu ianuaque patefacta*, 204 ("the door of entrance"); *recordatione et memoria*, 228 ("vivid recollection").

And with verbs, — *experiar et dicam*, 187 ("I will try to express it").

(*r*) Examples of hysteron-proteron, are, — *Scientia et cognitione*, 10; *infringi debilitarique*, 24; *deplorata et commemorata*, 26; *percepta et cognita*, 50; *fractum ac debilitatum*, 121; *impellere atque hortari*, 126; *insidiando nec speculando*, 136; *cognoram ac acceperam*, 143; *percipi cognoscique*, 193; *recordatione et memoria*, 228; *audivi atque adfui*, 243, etc. The effect is sometimes that of anticlimax; but in general, the arrangement is not to be explained as a rhetorical anticipation of the more important thought, but as a result of the adjustment of the words with reference to their relative weight in utterance — to give the second beat of the movement a fuller tone. This principle is distinctly stated in de Or. III. 186; *Qua re aut paria esse debent posteriora superioribus, et extrema primis, aut, quod etiam est melius et iucundius, longiora.*

(*s*) Zeugma is rare; see below, (8).

(*t*) Another result of libration is that words fall into habits of association and recur as ready-made pairs. This is true not only of recurring modifiers of time, place, etc., as *dies noctesque*, *domi militiaeque*, *diu multumque*, *huc atque illuc*, etc., but in ordinary synonyms, which seem to attract each other and become permanent combinations. Such are *aequalis et par*, 83; III. 55: *callidus et peritus*, 48; 109: *recordatio et memoria*, 228; Tusc. Disp. V. 88; Lael. 104; Brut. 9: *suscipere ac profiteri*, 103; 116: *fractum ac debilitatum*, 24; 121: *inventor et princeps*, 13; 47; 91; Tusc. Disp. I. 48; Acad. II. 131: *inventa et perfecta*, 13; Tusc. Disp. V. 1, 2: *consilio ac sapientia*, 6; 37: *plenum atque perfectum*, 59; de Fin. IV. 36; ad Her. II. 20, 31: *hebetem nec rudem*, 248; de Div. II. 103: *circumcidat atque amputet*, 65; de Fin. I. 44; Acad. II. 138: *percepta et cognita*, 20; 222; Acad. II. 18: *colui et dilexi*, Cat. Mai. 26; 83: *cognosci et percipi*, 193; 204; 222: *concilium coetumque*, Cat. Mai. 84; de Rep. 6, 13: *animosus et fortis*, Cat. Mai. 72; pro Mil. 92; see also Hor. Car. II. 10, 21: *fons et caput*, 42; 195: *ratio et via*, 87; 205; 215; III. 145: *vis ratioque*, *munus et donum*, *benevolentia et caritas*, etc.

(2) Anacoluthon; changes of construction, which for the most part seem to be the result of efforts to give a colloquial tone to the treatise; as, *non quo . . . sed dabis*, 23; *cernimus, sed deinceps*, 37; *namque*, 82; *quae . . . quod volet*, 53; *quae . . . philosophiam*, 75.

(3) Attraction; the relative attracts the appositive from the antecedent; as, *solutio*, etc., 114; *orationem*, 50. A subordinate noun attracts the verb from its real subject; *habuerit*, 50; *dicebat*, 83.

(4) The appositive put before its subject; as, *gubernatrice*, 38; *inventori et principi*, 47; *hominem*, 69.

(5) The union of attributive adjective with ablative of quality; as, *abundans doctrina et quadam incredibili varietate rerum*, 85; *adulescentem huic studio deditum, summo hominem ingenio*, 104.

(6) A general conception specialized by following particulars; as, *forum*, 32; 35; *cum optimus colonus, parcissimus modestissimus frugalissimus esset*, II. 287.

(7) Particulars are summed up by a following general term; as, *de omni virtutis genere*, 56; *de iure civium*, 58.

(8) The thought is fully expressed in members closely connected (zeugma avoided); as, *compulsum . . . delenitum*, 36; *animadvertere soleo . . . experior*, 121; *aspexerim . . . viderim*, 161. Common elements are even repeated in such sentences; as, *hominibus*, 15; *est*, 18.

(9) The wide separation of partitive genitive from governing word; as, *quantum . . . oti*, 3; *id . . . oneris*, 207; *tantum . . . temporis*, III. 86.

(10) Pronouns are brought together; as, *quas ego si quis sit*, 76.

(11) The insertion of clauses, so that verbs are massed; as, *quod expetunt, consequi posse confidant*, 19; *quae percontati erimus explicaris dimiserimus*, 100; *quo intendas, ferat, deducatque cognoris*, 135.

(12) Alliteration; as, *cogitationum et consiliorum*, 2; *maxima moles molestiarum, et turbulentissimae tempestates*, 2; *mirabilius et magnificentius*, 94; *maiore ac maturiore*, 95; frequent in pairs.

Other traits of style may be found discussed in the notes.

10. The Manuscripts.

The manuscripts of *de Oratore* fall easily into two classes, the *codices mutili* and the *codices integri*. At the close of the Middle Ages, only the former—incomplete copies—were known, of which several are still extant. The oldest, and in some respects the most important, is the *codex Abrincensis* of the ninth century, at Avranches, which contains, however, no portions of Book I. Next to this is the *codex Erlangensis* of the tenth century, in the public library at Erlangen. This contains, of Book I., 1–123, *cogitanti . . . causas;* and 157–193, *exercitatione . . . civili.* With these should be mentioned the *codex Harleianus*, also probably of the tenth century, in the British Museum. This contains, of Book I., 1–123 as above; 123–128, *invenibam . . . paene summo (rum);* and 157–193 as above. A later class of *codices mutili* includes the *codex Gudianus*, in the library at Wolfenbüttel, collated by Dr. Sorof, containing of Book I., 1–128, *cogitanti . . . summo (rum)*, and 157–193 as above; and the *lectiones Lagomarsinianae*, a body of critical materials collected by Hieronymus Lagomarsini about the middle of the last century, and which have considerable value.

The *codices integri* date from a very important discovery in the early part of the fifteenth century, the story of which may be here briefly told. A scholar at Milan, Gasparino Barziza, was diligently studying the *codices mutili* in the attempt to fill up the lacunae in the books *de Oratore*. Gherardo Landriani, bishop of Lodi, while searching for some old documents in his cathedral, opened a chest that had long been unused, and found (1422) a very ancient MS. containing not only the *de Oratore*, but the *Brutus* — then discovered for the first time, the *Orator* — hitherto known only in fragments, the two books *de Inventione*, and the four books *rhetoricorum ad Herennium* complete. This codex (known as *Laudensis*) Landriani at once handed over to Barziza, in furtherance of the enterprise in which he was engaged. The ancient writing was hardly intelligible to the scholars of Milan, and Barziza, easily recognizing its probable

value, sent the MS. to Cosmus of Cremona and had copies made, one of which he presented to the bishop. Within a few years the original disappeared and has not since been found.

From these copies of the *codex Laudensis* are derived directly or indirectly the large number of now extant later MSS. constituting a distinct class. Heerdegen is of the opinion that three were transcribed directly from the Laudensis, viz., the *codex Florentinus*, which, however, does not contain *de Oratore;* the *codex Palatinus* 1469, in the Vatican library; and the *codex Ottobonianus* 2057, also in the Vatican. Others, as Sorof and Friedrich, think that they are only indirect copies of the lost Laudensis. These and the many later MSS. have not as yet been adequately treated.

As to estimates of the relative value of the MSS., the earliest editors favored the *codices integri;* but as it could hardly fail to be noted that the *mutili* supplied in many passages a better text, editors soon began to draw sparingly upon them, and the recognition of their higher authority has steadily advanced, until, for the passages that they contain, their influence may now be said to be predominant. Some editors regard the later complete MSS. as having little value, while others, as Sorof and Harnecker, think it probable that Cosmus and his scribes copied the whole codex, and not simply the parts which had remained unknown up to the time of its discovery; and as the original was older than the *codices mutili*, these MSS. must be diligently collated and carefully classified before the last word can be said on the text of *de Oratore.*

The *editio princeps* was printed at Subiaco about 1465–1467, and was followed by many editions; but the era of criticism may be said to have begun with that of Ellendt (1840). Since that time there have appeared many excellent editions, notably those of Piderit, 1859, 1863, 1868, 1873, 1878 (Adler), and 1886 (Harnecker); Kayser, 1860; Bake, 1863; Sorof, 1875, 1882; Cima, 1886; Wilkins, 1879, 1888; Stangl (text only; critical apparatus promised "*aliquot annis*"), 1893.

M. TULLI CICERONIS
DE ORATORE.

Cicero's reasons for writing the treatise, — his own fondness for rhetorical studies, and the request of Quintus, his brother. §§ 1–5.

1. Cogitanti mihi saepe numero et memoria vetera 1
repetenti perbeati fuisse, Quinte frater, illi videri
solent, qui in optima re publica, cum et honoribus et
rerum gestarum gloria florerent, eum vitae cursum
tenere potuerunt, ut vel in negotio sine periculo vel in
otio cum dignitate esse possent. Ac fuit cum mihi
quoque initium requiescendi atque animum ad utrius-
que nostrum praeclara studia referendi fore iustum et
prope ab omnibus concessum arbitrarer, si infinitus
forensium rerum labor et ambitionis occupatio decursu
honorum etiam aetatis flexu constitisset. Quam spem 2
cogitationum et consiliorum meorum cum graves com-
munium temporum tum varii nostri casus fefellerunt.
Nam qui locus quietis et tranquillitatis plenissimus fore
videbatur, in eo maximae moles molestiarum et turbu-
lentissimae tempestates exstiterunt, neque vero nobis
cupientibus atque exoptantibus fructus oti datus est
ad eas artis, quibus a pueris dediti fuimus, celebrandas
inter nosque recolendas. Nam prima aetate incidimus 3

in ipsam perturbationem disciplinae veteris, et consulatu devenimus in medium rerum omnium certamen atque discrimen, et hoc tempus omne post consulatum obiecimus eis fluctibus, qui per nos a communi peste depulsi in nosmet ipsos redundarent. Sed tamen in his vel asperitatibus rerum vel angustiis temporis obsequar studiis nostris et quantum mihi vel fraus inimicorum vel causae amicorum vel res publica tribuet
4 oti ad scribendum potissimum conferam. Tibi vero, frater, neque hortanti deero neque roganti. Nam neque auctoritate quisquam apud me plus valere te potest neque voluntate.

2. Ac mihi repetenda est veteris cuiusdam memoriae non sane satis explicata recordatio, sed, ut arbitror, apta ad id, quod requiris, ut cognoscas quae viri omnium eloquentissimi clarissimique senserint de omni
5 ratione dicendi. Vis enim, ut mihi saepe dixisti, quoniam quae pueris aut adulescentulis nobis ex commentariolis nostris incohata ac rudia exciderunt vix *sunt* hac aetate digna et hoc usu, quem ex causis quas diximus tot tantisque consecuti sumus, aliquid eisdem de rebus politius a nobis perfectiusque proferri; solesque non numquam hac de re a me in disputationibus nostris dissentire, quod ego eruditissimorum hominum artibus eloquentiam contineri statuam, tu autem illam ab elegantia doctrinae segregandam putes et in quodam ingeni atque exercitationis genere ponendam.

The fewness of great orators as compared with those eminent in other pursuits. §§ 6–16.

6 Ac mihi quidem saepe numero in summos homines ac summis ingeniis praeditos intuenti quaerendum

esse visum est quid esset, cur plures in omnibus
artibus, quam in dicendo admirabiles exstitissent.
Nam quocumque te animo et cogitatione converteris,
permultos excellentis in quoque genere videbis non
mediocrium artium, sed prope maximarum. Quis enim 7
est, qui, si clarorum hominum scientiam rerum ge-
starum vel utilitate vel magnitudine metiri velit, non
anteponat oratori imperatorem? Quis autem dubitet
quin belli duces praestantissimos ex hac una civitate
paene innumerabilis, in dicendo autem excellentis vix
paucos proferre possimus? Iam vero consilio ac sapi- 8
entia qui regere ac gubernare rem publicam possent,
multi nostra, plures patrum memoria atque etiam
maiorum exstiterunt, cum boni perdiu nulli, vix autem
singulis aetatibus singuli tolerabiles oratores inveni-
rentur. Ac ne qui forte cum aliis studiis, quae recon-
ditis in artibus atque in quadam varietate litterarum
versentur, magis hanc dicendi rationem, quam cum
imperatoris laude aut cum boni senatoris prudentia
comparandam putet, qui convertat animum ad ea ipsa
artium genera circumspiciatque, qui in eis floruerunt
quam multi sint, facillime quanta oratorum sit semper-
que fuerit paucitas iudicabit.

3. Neque enim te fugit omnium laudatarum artium 9
procreatricem quandam et quasi parentem eam, quam
φιλοσοφίαν Graeci vocant, ab hominibus doctissimis
iudicari; in qua difficile est enumerare quot viri
quanta scientia quantaque in suis studiis varietate et
copia fuerint, qui non una aliqua in re separatim ela-
borarint, sed omnia, quaecumque possent, vel scientiae
pervestigatione vel disserendi ratione comprehende-
rint. Quis ignorat ei, qui mathematici vocantur, 10

quanta in obscuritate rerum et quam recondita in arte
et multiplici subtilique versentur? Quo tamen in
genere ita multi perfecti homines exstiterunt, ut nemo
fere studuisse ei scientiae vehementius videatur, quin
quod voluerit consecutus sit. Quis musicis, quis huic
studio litterarum, quod profitentur ei, qui grammatici
vocantur, penitus se dedit, quin omnem illarum artium
paene infinitam vim et materiem scientia et cognitione
11 comprehenderit? Vere mihi hoc videor esse dicturus,
ex omnibus eis, qui in harum artium liberalissimis
studiis sint doctrinisque versati, minimam copiam
poëtarum egregiorum exstitisse. Atque in hoc ipso
numero, in quo perraro exoritur aliquis excellens, si
diligenter et ex nostrorum et ex Graecorum copia
comparare voles, multo tamen pauciores oratores
12 quam poëtae boni reperientur. Quod hoc etiam mira-
bilius debet videri, quia ceterarum artium studia fere
reconditis atque abditis *e* fontibus hauriuntur, dicendi
autem omnis ratio in medio posita communi quodam
in usu atque in hominum more et sermone versatur,
ut in ceteris id maxime excellat, quod longissime sit
ab imperitorum intellegentia sensuque disiunctum, in
dicendo autem vitium vel maximum sit a volgari
genere orationis atque a consuetudine communis sen-
sus abhorrere.

13 **4.** Ac ne illud quidem vere dici potest, aut pluris
ceteris inservire aut maiore delectatione aut spe ube-
riore ac praemiis ad perdiscendum amplioribus com-
moveri. Atque ut omittam Graeciam, quae semper
eloquentiae princeps esse voluit, atque illas omnium
doctrinarum inventrices Athenas, in quibus summa
dicendi vis et inventa est et perfecta, in hac ipsa

civitate profecto nulla umquam vehementius quam eloquentiae studia viguerunt. Nam postea quam im- 14
perio omnium gentium constituto diuturnitas pacis otium confirmavit, nemo fere laudis cupidus adulescens non sibi ad dicendum studio omni enitendum putavit. Ac primo quidem totius rationis ignari, qui neque exercitationis ullam viam neque aliquod praeceptum artis esse arbitrarentur, tantum, quantum ingenio et cogitatione poterant, consequebantur: post autem auditis oratoribus Graecis cognitisque eorum litteris adhibitisque doctoribus incredibili quodam nostri homines discendi studio flagraverunt. Excita- 15
bat eos magnitudo, varietas multitudoque in omni genere causarum, ut ad eam doctrinam, quam suo quisque studio adsecutus esset, adiungeretur usus frequens, qui omnium magistrorum praecepta superaret. Erant autem huic studio maxima, quae nunc quoque sunt, exposita praemia vel ad gratiam vel ad opes vel ad dignitatem. Ingenia vero, ut multis rebus possumus iudicare, nostrorum hominum multum ceteris hominibus omnium gentium praestiterunt. Quibus 16
de causis quis non iure miretur ex omni memoria aetatum, temporum, civitatum tam exiguum oratorum numerum inveniri?

The cause of the rarity of great orators is to be found in the inherent difficulty of the art. The most eminent natural qualities and the highest attainments in knowledge must be united in one man. §§ 16–23.

Sed enim maius est hoc quiddam, quam homines opinantur, et pluribus ex artibus studiisque collectum.

5. Quid enim quis aliud in maxima discentium mul-

titudine, summa magistrorum copia, praestantissimis
hominum ingeniis, infinita causarum varietate, am-
plissimis eloquentiae propositis praemiis esse causae
putet, nisi rei quandam incredibilem magnitudinem
17 ac difficultatem? Est enim et scientia comprehen-
denda rerum plurimarum, sine qua verborum volu-
bilitas inanis atque irridenda est, et ipsa oratio
conformanda non solum electione, sed etiam con-
structione verborum, et omnes animorum motus,
quos hominum generi rerum natura tribuit, penitus
pernoscendi, quod omnis vis ratioque dicendi in eorum,
qui audiunt, mentibus aut sedandis aut excitandis ex-
promenda est. Accedat eodem oportet lepos quidam
facetiaeque et eruditio libero digna celeritasque et
brevitas et respondendi et lacessendi subtili venustate
18 atque urbanitate coniuncta. Tenenda praeterea est
omnis antiquitas exemplorumque vis, neque legum ac
iuris civilis scientia neglegenda est. Nam quid ego
de actione ipsa plura dicam? quae motu corporis,
quae gestu, quae voltu, quae vocis conformatione ac
varietate moderanda est; quae sola per se ipsa quanta
sit histrionum levis ars et scaena declarat; in qua
cum omnes in oris et vocis et motus moderatione ela-
borent, quis ignorat quam pauci sint fuerintque, quos
animo aequo spectare possimus? Quid dicam de
thesauro rerum omnium, memoria? quae nisi custos
inventis cogitatisque rebus et verbis adhibeatur, intel-
legimus omnia, etiam si praeclarissima fuerint in ora-
19 tore, peritura. Quam ob rem mirari desinamus, quae
causa sit eloquentium paucitatis, cum ex eis rebus
universis eloquentia constet, in quibus singulis elabo-
rare permagnum est, hortemurque potius liberos no-

stros ceterosque, quorum gloria nobis et dignitas cara est, ut animo rei magnitudinem complectantur neque eis aut praeceptis aut magistris aut exercitationibus, quibus utuntur omnes, sed aliis quibusdam se id, quod expetunt, consequi posse confidant.

6. Ac mea quidem sententia nemo poterit esse omni 20
laude cumulatus orator, nisi erit omnium rerum magnarum atque artium scientiam consecutus. Etenim ex rerum cognitione efflorescat et redundet oportet oratio, quae, nisi *est* ab oratore *res* percepta et cognita, inanem quandam habet elocutionem et paene puerilem.
Neque vero ego hoc tantum oneris imponam nostris 21
praesertim oratoribus in hac tanta occupatione urbis ac vitae, nihil ut eis putem licere nescire, quamquam vis oratoris professioque ipsa bene dicendi hoc suscipere ac polliceri videtur, ut omni de re, quaecumque
sit proposita, ornate ab eo copioseque dicatur. Sed 22
quia non dubito quin hoc plerisque immensum infinitumque videatur, et quod Graecos homines non solum ingenio et doctrina, sed etiam otio studioque abundantis partitionem quandam artium fecisse video, neque in universo genere singulos elaborasse, sed seposuisse a ceteris dictionibus eam partem dicendi, quae in forensibus disceptationibus iudiciorum aut deliberationum versaretur, et id unum genus oratori reliquisse, non complectar in his libris amplius, quam quod huic generi, re quaesita et multum disputata summorum hominum prope consensu est tributum;
repetamque non ab incunabulis nostrae veteris pueri- 23
lisque doctrinae quendam ordinem praeceptorum, sed ea, quae quondam accepi in nostrorum hominum eloquentissimorum et omni dignitate principum disputa-

tione esse versata; non quo illa contemnam, quae Graeci dicendi artifices et doctores reliquerunt, sed cum illa pateant in promptuque sint omnibus, neque ea interpretatione mea aut ornatius explicari aut planius exprimi possint, dabis hanc veniam, mi frater, ut opinor, ut eorum, quibus summa dicendi laus a nostris hominibus concessa est, auctoritatem Graecis anteponam.

The time, place, and circumstances of the dialogue which Cicero uses as the basis of this treatise. §§ 24–29.

24 7. Cum igitur vehementius inveheretur in causam
principum consul Philippus, Drusique tribunatus pro
senatus auctoritate susceptus infringi iam debilitarique
videretur, dici mihi memini ludorum Romanorum die-
bus L. Crassum quasi colligendi sui causa se in Tuscu-
lanum contulisse; venisse eodem, socer eius qui fuerat,
Q. Mucius dicebatur et M. Antonius, homo et consili-
orum in re publica socius et summa cum Crasso famili-
25 aritate coniunctus. Exierant autem cum ipso Crasso
adulescentes et Drusi maxime familiares et in quibus
magnam tum spem maiores natu dignitatis suae collo-
carent, C. Cotta, qui tum tribunatum plebis petebat, et
P. Sulpicius, qui deinceps eum magistratum petiturus
26 putabatur. Hi primo die de temporibus deque uni-
versa re publica, quam ob causam venerant, multum
inter se usque ad extremum tempus diei collocuti sunt.
Quo quidem sermone multa divinitus a tribus illis
consularibus Cotta deplorata et commemorata narra-
bat, ut nihil incidisset postea civitati mali, quod non
27 impendere illi tanto ante vidissent; eo autem omni
sermone confecto, tantam in Crasso humanitatem

fuisse, ut, cum lauti accubuissent, tolleretur omnis illa
superioris tristitia sermonis, eaque esset in homine iu-
cunditas et tantus in iocando lepos, ut dies inter eos
curiae fuisse videretur, convivium Tusculani. Postero 28
autem die, cum illi maiores natu satis quiessent et in
ambulationem ventum esset [dicebat], tum Scaevolam
duobus spatiis tribusve factis dixisse, cur non imita-
mur, Crasse, Socratem illum, qui est in Phaedro Pla-
tonis? Nam me haec tua platanus admonuit, quae
non minus ad opacandum hunc locum patulis est dif-
fusa ramis, quam illa, cuius umbram secutus est So-
crates, quae mihi videtur non tam ipsa acula, quae
describitur, quam Platonis oratione crevisse, et quod
ille durissimis pedibus fecit, ut se abiceret in herba
atque ita illa, quae philosophi divinitus ferunt esse
dicta, loqueretur, id meis pedibus certe concedi est
aequius. Tum Crassum, immo vero commodius etiam; 29
pulvinosque poposcisse et omnis in eis sedibus, quae
erant sub platano, consedisse dicebat.

Crassus sounds the praises of oratory and extols the influence of the orator. §§ 29–34.

8. Ibi, ut ex pristino sermone relaxarentur animi
omnium, solebat Cotta narrare Crassum sermonem
quendam de studio dicendi intulisse. Qui cum ita 30
esset exorsus, non sibi cohortandum Sulpicium et
Cottam, sed magis utrumque collaudandum videri,
quod tantam iam essent facultatem adepti, ut non
aequalibus suis solum anteponerentur, sed cum maio-
ribus natu compararentur: neque vero mihi quic-
quam, inquit, praestabilius videtur, quam posse dicendo
tenere hominum [coetus] mentis, adlicere voluntates,

impellere quo velit, unde autem velit deducere. Haec
una res in omni libero populo maximeque in pacatis
tranquillisque civitatibus praecipue semper floruit sem-
31 perque dominata est. Quid enim est aut tam admira-
bile, quam ex infinita multitudine hominum existere
unum, qui id, quod omnibus natura sit datum, vel solus
vel cum paucis facere possit? aut tam iucundum co-
gnitu atque auditu, quam sapientibus sententiis gravi-
busque verbis ornata oratio et polita? aut tam potens
tamque magnificum, quam populi motus, iudicum re-
ligiones, senatus gravitatem unius oratione converti?
32 Quid tam porro regium, tam liberale, tam munificum,
quam opem ferre supplicibus, excitare adflictos, dare
salutem, liberare periculis, retinere homines in civi-
tate? Quid autem tam necessarium, quam tenere
semper arma, quibus vel tectus ipse esse possis vel
provocare improbos vel te ulcisci lacessitus? Age
vero, ne semper forum, subsellia, rostra curiamque
meditere, quid esse potest in otio aut iucundius aut
magis proprium humanitatis, quam sermo facetus ac
nulla in re rudis? Hoc enim uno praestamus vel
maxime feris, quod colloquimur inter nos et quod
33 exprimere dicendo sensa possumus. Quamobrem quis
hoc non iure miretur summeque in eo elaborandum
esse arbitretur, ut, quo uno homines maxime bestiis
praestent, in hoc hominibus ipsis antecellat? Ut vero
iam ad illa summa veniamus, quae vis alia potuit aut
dispersos homines unum in locum congregare aut a
fera agrestique vita ad hunc humanum cultum civi-
lemque deducere aut iam constitutis civitatibus leges,
34 iudicia, iura describere? Ac ne plura, quae sunt paene
innumerabilia, consecter, comprehendam brevi: sic enim

statuo, perfecti oratoris moderatione et sapientia non solum ipsius dignitatem, sed et privatorum plurimorum et universae rei publicae salutem maxime contineri. Quam ob rem pergite, ut facitis, adulescentes, atque in id studium, in quo estis, incumbite, ut et vobis honori et amicis utilitati et rei publicae emolumento esse possitis.

Scaevola expresses a different opinion with reference to the influence and functions of the orator, and says that philosophy would resist the claims of Crassus. §§ 35–44.

9. Tum Scaevola comiter, ut solebat, Cetera, inquit, 35
adsentior Crasso, ne aut de C. Laeli soceri mei aut de huius generi aut arte aut gloria detraham; sed illa duo, Crasse, vereor ut tibi possim concedere: unum, quod ab oratoribus civitates et initio constitutas et saepe conservatas esse dixisti, alterum, quod remoto foro, contione, iudiciis, senatu statuisti oratorem in omni genere sermonis et humanitatis esse perfectum.
Quis enim tibi hoc concesserit, aut initio genus homi- 36
num in montibus ac silvis dissipatum non prudentium consiliis compulsum potius, quam disertorum oratione delenitum se oppidis moenibusque saepsisse? aut vero reliquas utilitates aut in constituendis aut in conservandis civitatibus non a sapientibus et fortibus viris, sed a disertis ornateque dicentibus esse constitutas?
An vero tibi Romulus ille aut pastores et convenas 37
congregasse aut Sabinorum conubia coniunxisse aut finitimorum vim repressisse eloquentia videtur, non consilio et sapientia singulari? Quid? in Numa Pompilio; quid? in Servio Tullio, quid? in ceteris regibus, quorum multa sunt eximia ad constituendam rem

publicam, num eloquentiae vestigium apparet? Quid?
exactis regibus, tametsi ipsam exactionem mente, non
lingua perfectam L. Bruti esse cernimus, sed deinceps
omnia nonne plena consiliorum, inania verborum vide-
38 mus? Ego vero si velim et nostrae civitatis exemplis
uti et aliarum, plura proferre possim detrimenta publi-
cis rebus, quam adiumenta per homines eloquentissimos
importata; sed ut reliqua praetermittam, omnium mihi
videor, exceptis, Crasse, vobis duobus, eloquentissimos
audisse Ti. et C. Sempronios, quorum pater, homo
prudens et gravis, haudquaquam eloquens, et saepe
alias et maxime censor saluti rei publicae fuit. Atque
is non accurata quadam orationis copia, sed nutu atque
verbo libertinos in urbanas tribus transtulit; quod nisi
fecisset, rem publicam, quam nunc vix tenemus, iam
diu nullam haberemus. At vero eius fili diserti et
omnibus vel naturae vel doctrinae praesidiis ad dicen-
dum parati, cum civitatem vel paterno consilio vel
avitis armis florentissimam accepissent, ista praeclara
gubernatrice, ut ais, civitatum, eloquentia, rem publi-
cam dissipaverunt.

39 **10**. Quid? leges veteres moresque maiorum; quid?
auspicia, quibus et ego et tu, Crasse, cum magna rei
publicae salute praesumus; quid? religiones et caeri-
moniae; quid? haec iura civilia, quae iam pridem in
nostra familia sine ulla eloquentiae laude versantur,
num aut inventa sunt aut cognita aut omnino ab ora-
40 torum genere tractata? Equidem et Ser. Galbam
memoria teneo divinum hominem in dicendo et M.
Aemilium Porcinam et C. ipsum Carbonem, quem tu
adulescentulus perculisti, ignarum legum, haesitantem
in maiorum institutis, rudem in iure civili; et haec

aetas nostra praeter te, Crasse, qui tuo magis studio, quam proprio munere aliquo disertorum ius a nobis civile didicisti, quod interdum pudeat, iuris ignara est.

Quod vero in extrema oratione quasi tuo iure sump- 41
sisti, oratorem in omnis sermonis disputatione copiosissime versari posse, id, nisi hic in tuo regno essemus, non tulissem multisque praeissem, qui aut interdicto tecum contenderent aut te ex iure manum consertum vocarent, quod in alienas possessiones tam temere irruisses. Agerent enim tecum lege primum Pytha- 42
gorei omnes atque Democritii ceterique sua in iure physici vindicarent, ornati homines in dicendo et graves, quibuscum tibi iusto sacramento contendere non liceret. Urgerent praeterea philosophorum greges iam ab illo fonte et capite Socrate, nihil te de bonis rebus in vita, nihil de malis, nihil de animi permotionibus, nihil de hominum moribus, nihil de ratione vitae didicisse, nihil omnino quaesisse, nihil scire convincerent; et cum universi in te impetum fecissent, tum singulae familiae litem tibi intenderent. Instaret 43
Academia, quae, quicquid dixisses, id te ipsum negare cogeret. Stoici vero nostri disputationum suarum atque interrogationum laqueis te irretitum tenerent. Peripatetici autem etiam haec ipsa, quae propria oratorum putas esse adiumenta atque ornamenta dicendi, a se peti vincerent oportere; ac non solum meliora, sed etiam multo plura Aristotelem Theophrastumque de istis rebus, quam omnis dicendi magistros scripsisse ostenderent. Missos facio mathematicos, grammati- 44
cos, musicos, quorum artibus vestra ista dicendi vis ne minima quidem societate coniungitur. Quamobrem ista tanta tamque multa profitenda, Crasse, non censeo.

Satis id est magnum, quod potes praestare, ut in iudiciis ea causa, quamcumque tu dicis, melior et probabilior esse videatur; ut in contionibus et in sententiis dicendis ad persuadendum tua plurimum valeat oratio; denique ut prudentibus diserte, stultis etiam vere videare dicere. Hoc amplius si quid poteris, non id mihi videbitur orator, sed Crassus, sua quadam propria, non communi oratorum facultate posse.

The reply of Crassus, in which he insists upon a higher conception of the term "orator" than that which prevails among the Greeks. He discusses the relations of oratory to philosophy, and insists that to treat eloquently the subject matter of any branch of knowledge or any art, recourse must be had to the gifts of the orator. §§ 45–73.

45 **11.** Tum ille, Non sum, inquit, nescius, Scaevola, ista inter Graecos dici et disceptari solere. Audivi enim summos homines, cum quaestor ex Macedonia venissem Athenas, florente Academia, ut temporibus illis ferebatur, cum eam Charmadas et Clitomachus et Aeschines obtinebant. Erat etiam Metrodorus, qui cum illis una ipsum illum Carneadem diligentius audierat, hominem omnium in dicendo, ut ferebatur, acerrimum et copiosissimum; vigebatque auditor Panaeti illius tui Mnesarchus et Peripatetici Critolai
46 Diodorus. Multi erant praeterea clari in philosophia et nobiles, a quibus omnibus una paene voce repelli oratorem a gubernaculis civitatum, excludi ab omni doctrina rerumque maiorum scientia ac tantum in iudicia et contiunculas tamquam in aliquod pistrinum detrudi
47 et compingi videbam. Sed ego neque illis adsentiebar neque harum disputationum inventori et principi longe

omnium in dicendo gravissimo et eloquentissimo, Platoni, cuius tum Athenis cum Charmada diligentius legi Gorgiam; quo in libro in hoc maxime admirabar Platonem, quod mihi [in] oratoribus irridendis ipse esse orator summus videbatur. Verbi enim controversia iam diu torquet Graeculos homines contentionis cupidiores quam veritatis. Nam si quis hunc statuit 48 esse oratorem, qui tantummodo in iure aut in iudiciis possit aut apud populum aut in senatu copiose loqui, tamen huic ipsi multa tribuat et concedat necesse est. Neque enim sine multa pertractatione omnium rerum publicarum neque sine legum, morum, iuris scientia neque natura hominum incognita ac moribus in his ipsis rebus satis callide versari et perite potest. Qui autem haec cognoverit, sine quibus ne illa quidem minima in causis quisquam recte tueri potest, quid huic abesse poterit de maximarum rerum scientia? Sin oratoris nihil vis esse nisi composite, ornate, copiose loqui, quaero, id ipsum qui possit adsequi sine ea scientia, quam ei non conceditis? Dicendi enim virtus, nisi ei, qui dicet, ea de quibus dicet, percepta sunt, exstare non potest. Quam ob rem, si ornate 49 locutus est, sicut et fertur et mihi videtur, physicus ille Democritus, materies illa fuit physici, de qua dixit, ornatus vero ipse verborum oratoris putandus est. Et, si Plato de rebus ab civilibus controversiis remotissimis divinitus est locutus, quod ego concedo; si item Aristoteles, si Theophrastus, si Carneades in rebus eis, de quibus disputaverunt, eloquentes et in dicendo suaves atque ornati fuerunt, sint eae res, de quibus disputant, in aliis quibusdam studiis, oratio quidem ipsa propria est huius unius rationis, de qua

50 loquimur et quaerimus. Et enim videmus eisdem de
rebus ieiune quosdam et exiliter, ut eum, quem acu-
tissimum ferunt, Chrysippum, disputavisse neque ob
eam rem philosophiae non satis fecisse, quod non
habuerit hanc dicendi ex arte aliena facultatem.

12. Quid ergo interest? aut qui discernes eorum,
quos nominavi, in dicendo ubertatem et copiam ab
eorum exilitate, qui hac dicendi varietate et elegantia
non utuntur? Unum erit profecto, quod ei, qui bene
dicunt, adferunt proprium, compositam orationem et
ornatam et artificio quodam et expolitione distinctam.
Haec autem oratio, si res non subest ab oratore per-
cepta et cognita, aut nulla sit necesse est aut omnium
51 irrisione ludatur. Quid est enim tam furiosum, quam
verborum vel optimorum atque ornatissimorum sonitus
inanis, nulla subiecta sententia nec scientia? Quicquid
erit igitur quacumque ex arte, quocumque de genere,
orator id, si tamquam clientis causam didicerit, dicet
melius et ornatius, quam ipse ille eius rei inventor
52 atque artifex. Nam si quis erit, qui hoc dicat, esse
quasdam oratorum proprias sententias atque causas et
certarum rerum forensibus cancellis circumscriptam
scientiam, fatebor equidem in his magis adsidue versari
hanc nostram dictionem; sed tamen in his ipsis rebus
permulta sunt, quae ipsi magistri, qui rhetorici vo-
53 cantur, nec tradunt nec tenent. Quis enim nescit
maximam vim exsistere oratoris in hominum mentibus
vel ad iram aut ad odium aut ad dolorem incitandis
vel ab hisce eisdem permotionibus ad lenitatem miseri-
cordiamque revocandis? Quae, nisi qui naturas homi-
num vimque omnem humanitatis causasque eas, quibus
mentes aut incitantur aut reflectuntur, penitus per-

spexerit, dicendo quod volet perficere non poterit. Atque totus hic locus philosophorum proprius videtur; 54
neque orator me auctore umquam repugnabit: sed, cum illis cognitionem rerum concesserit, quod in ea solum illi voluerint elaborare, tractationem orationis, quae sine illa scientia nulla est, sibi adsumet; hoc enim est proprium oratoris, quod saepe iam dixi, oratio gravis et ornata et hominum sensibus ac mentibus accommodata.

13. Quibus de rebus Aristotelem et Theophrastum 55
scripsisse fateor. Sed vide ne hoc, Scaevola, totum sit a me. Nam ego, quae sunt oratori cum illis communia, non mutuor ab illis: isti, quae de his rebus disputant, oratorum esse concedunt. Itaque ceteros libros artis suae nomine, hos rhetoricos et inscribunt et appellant. Etenim cum illi in dicendo inciderint 56
loci, quod persaepe evenit, ut de dis immortalibus, de pietate, de concordia, de amicitia, de communi [civium, de] hominum [de gentium] iure, de aequitate, de temperantia, de magnitudine animi, de omni virtutis genere sit dicendum, clamabunt, credo, omnia gymnasia atque omnes philosophorum scholae sua esse haec omnia propria, nihil omnino ad oratorem pertinere. Quibus 57
ego, ut de his rebus in angulis consumendi oti causa disserant, cum concessero, illud tamen oratori tribuam et dabo, ut eadam, de quibus illi tenui quodam exsanguique sermone disputant, hic cum omni iucunditate et gravitate explicet. Haec ego cum ipsis philosophis [tum] Athenis disserebam. Cogebat enim me M. Marcellus hic noster, qui nunc aedilis curulis est, et profecto, nisi ludos nunc faceret, huic nostro sermoni interesset; ac iam tum erat adolescentulus his studiis

58 mirifice deditus. Iam vero de legibus *de coventis*, de bello de pace, de sociis de vectigalibus, de iure civium generatim in ordines aetatesque discripto dicant vel Graeci, si volunt, Lycurgum aut Solonem — quamquam illos quidem censemus in numero eloquentium reponendos — scisse melius, quam Hyperidem aut Demosthenem, perfectos iam homines in dicendo et perpolitos, vel nostri decemviros, qui XII tabulas perscripserunt, quos necesse est fuisse prudentis, anteponant in hoc genere et Ser. Galbae et socero tuo C. Laelio, quos
59 constat dicendi gloria praestitisse. Numquam enim negabo esse quasdam partis proprias eorum, qui in his cognoscendis atque tractandis studium suum omne posuerunt; sed oratorem plenum atque perfectum esse eum, qui de omnibus rebus possit copiose varieque dicere.

14. Etenim saepe in eis causis, quas omnes proprias esse oratorum confitentur, est aliquid, quod non ex usu forensi, quem solum oratoribus conceditis, sed ex obscuriore aliqua scientia sit promendum atque adsu-
60 mendum. Quaero enim num possit aut contra imperatorem aut pro imperatore dici sine rei militaris usu aut saepe etiam sine regionum terrestrium aut maritimarum scientia; num apud populum de legibus iubendis aut vetandis, num in senatu de omni rei publicae genere dici sine summa rerum civilium cognitione et prudentia; num admoveri possit oratio ad sensus animorum atque motus vel inflammandos vel etiam exstinguendos, quod unum in oratore dominatur, sine diligentissima pervestigatione earum omnium rationum, quae de naturis humani generis ac moribus a philosophis explicantur.
61 Atque haud scio an minus vobis hoc sim probaturus:

equidem non dubitabo, quod sentio, dicere. Physica
ista ipsa et mathematica et quae paulo ante ceterarum
artium propria posuisti, scientiae sunt eorum, qui illa
profitentur; inlustrare autem oratione si quis istas
ipsas artis velit, ad oratoris ei confugiendum est facul-
tatem. Neque enim, si Philonem illum architectum, 62
qui Atheniensibus armamentarium fecit, constat perdi-
serte populo rationem operis sui reddidisse, existi-
mandum est architecti potius artificio disertum quam
oratoris fuisse. Nec, si huic M. Antonio pro Hermo-
doro fuisset de navalium opere dicendum, non, cum ab
illo causam didicisset, ipse ornate de alieno artificio
copioseque dixisset. Neque vero Asclepiades, is quo
nos medico amicoque usi sumus [tum eloquentia vince-
bat ceteros medicos], in eo ipso, quod ornate dicebat,
medicinae facultate utebatur, non eloquentiae. Atque 63
illud est probabilius, neque tamen verum, quod Socrates
dicere solebat, omnis in eo, quod scirent, satis esse elo-
quentis; illud verius, neque quemquam in eo disertum
esse posse, quod nesciat, neque, si optime sciat igna-
rusque sit faciundae ac poliendae orationis, diserte id
ipsum, de quo sciat, posse dicere.

15. Quamobrem, si quis universam et propriam ora- 64
toris vim definire complectique volt, is orator erit mea
sententia hoc tam gravi dignus nomine, qui, quaecum-
que res inciderit, quae sit dictione explicanda, prudenter
et composite et ornate et memoriter dicet, cum quadam
actionis etiam dignitate. Sin cuipiam nimis infinitum 65
videtur, quod ita posui, quacumque de re, licet hinc
quantum cuique videbitur circumcidat atque amputet;
tamen illud tenebo, si, quae ceteris in artibus atque
studiis sita sunt, orator ignoret tantumque ea teneat,

quae sunt in disceptationibus atque usu forensi, tamen his de rebus ipsis si sit ei dicendum, cum cognoverit ab eis, qui tenent, quae sint in quaque re, multo oratorem melius, quam ipsos illos, quorum eae sint artes,
66 esse dicturum. Ita si de re militari dicendum huic erit Sulpicio, quaeret a C. Mario adfini nostro et, cum acceperit, ita pronuntiabit, ut ipsi C. Mario paene hic melius, quam ipse, illa scire videatur; sin de iure civili, tecum communicabit teque hominem prudentissimum et peritissimum in eis ipsis rebus, quas abs te didicerit,
67 dicendi arte superabit. Sin quae res inciderit, in qua de natura, de vitiis hominum, de cupiditatibus, de modo, de continentia, de dolore, de morte dicendum sit, forsitan, si ei sit visum — etsi haec quidem nosse debet orator — cum Sex. Pompeio, erudito homine in philosophia, communicarit; hoc profecto efficiet, ut, quamcumque rem a quoquo cognoverit, de ea multo
68 dicat ornatius, quam ille ipse, unde cognorit. Sed si me audiet, quoniam philosophia in tris partis est tributa, in naturae obscuritatem, in disserendi subtilitatem, in vitam atque mores, duo illa relinquamus atque largiamur inertiae nostrae; tertium vero, quod semper oratoris fuit, nisi tenebimus, nihil oratori, in quo
69 magnus esse possit, relinquemus. Quare hic locus de vita et moribus totus est oratori perdiscendus; cetera si non didicerit, tamen poterit, si quando opus erit, ornare dicendo, si modo ad eum erunt delata et ei tradita.

16. Etenim si constat inter doctos, hominem ignarum astrologiae ornatissimis atque optimis versibus Aratum de caelo stellisque dixisse; si de rebus rusticis hominem ab agro remotissimum Nicandrum Colophonium

poëtica quadam facultate, non rustica, scripsisse prae-
clare: quid est cur non orator de rebus eis eloquentis-
sime dicat, quas ad certam causam tempusque cognorit?
Est enim finitimus oratori poëta, numeris astrictior 70
paulo, verborum autem licentia liberior, multis vero
ornandi generibus socius ac paene par; in hoc quidem
certe prope idem, nullis ut terminis circumscribat aut
definiat ius suum, quo minus ei liceat eadem illa facul-
tate et copia vagari qua velit. Nam quod illud, Scae- 71
vola, negasti te fuisse laturum, nisi in meo regno esses,
quod in omni genere sermonis, in omni parte humani-
tatis dixerim oratorem perfectum esse debere, num-
quam mehercule hoc dicerem, si eum, quem fingo, me
ipsum esse arbitrarer. Sed, ut solebat C. Lucilius 72
saepe dicere, homo tibi subiratus, mihi propter eam
ipsam causam minus quam volebat familiaris, sed
tamen et doctus et perurbanus, sic sentio, neminem
esse in oratorum numero habendum, qui non sit omni-
bus eis artibus, quae sunt libero dignae, perpolitus;
quibus ipsis si in dicendo non utimur, tamen apparet
atque exstat, utrum simus earum rudes an didicerimus.
Ut qui pila ludunt, non utuntur in ipsa lusione artificio 73
proprio palaestrae, sed indicat ipse motus, didicerintne
palaestram an nesciant, et qui aliquid fingunt, etsi tum
pictura nihil utuntur, tamen, utrum sciant pingere an
nesciant, non obscurum est, sic in orationibus hisce
ipsis iudiciorum, contionum, senatus, etiam si proprie
ceterae non adhibeantur artes, tamen facile declaratur,
utrum is, qui dicat, tantummodo in hoc declamatorio
sit opere iactatus an ad dicendum omnibus ingenuis
artibus instructus accesserit.

Scaevola compliments Crassus for his argumentative skill, and applies to him personally the high ideal of the orator. §§ 74–77.

74 **17.** Tum ridens Scaevola, non luctabor tecum, in-
quit, Crasse, amplius. Id enim ipsum, quod contra
me locutus es, artificio quodam es consecutus, ut et
mihi, quae ego vellem non esse oratoris, concederes et
ea ipsa nescio quo modo rursus detorqueres atque
75 oratori propria traderes. Quae, cum ego praetor
Rhodum venissem et cum illo summo doctore istius
disciplinae Apollonio ea, quae a Panaetio acceperam,
contulissem, inrisit ille quidem, ut solebat, philoso-
phiam atque contempsit, multaque non tam graviter
dixit quam facete; tua autem fuit oratio eius modi,
non ut ullam artem doctrinamve contemneres, sed ut
omnis comites ac ministratrices oratoris esse diceres.
76 Quas ego si quis sit unus complexus omnis, idemque si
ad eas facultatem istam ornatissimae orationis adiun-
xerit, non possum dicere eum non egregium quendam
hominem atque admirandum fore; sed is, si quis esset
aut si etiam umquam fuisset aut vero si esse posset,
tu esses unus profecto, qui et meo iudicio et omnium
vix ullam ceteris oratoribus — pace horum dixerim —
77 laudem reliquisti. Verum si tibi ipsi nihil deest, quod
in forensibus rebus civilibusque versetur, quin scias,
neque eam tamen scientiam, quam adiungis oratori,
complexus es, videamus ne plus ei tribuamus, quam
res et veritas ipsa concedat.

Crassus answers that he is not speaking of himself, but of some more perfect orator yet to arise. §§ 78–79.

78 Hic Crassus, Memento, inquit, me non de mea, sed
de oratoris facultate dixisse. Quid enim nos aut di-

dicimus aut scire potuimus, qui ante ad agendum, quam ad cognoscendum venimus; quos in foro, quos in ambitione, quos in re publica, quos in amicorum negotiis res ipsa ante confecit, quam possemus aliquid
de rebus tantis suspicari? Quod si tibi tantum in 79
nobis videtur esse, quibus etiamsi ingenium, ut tu putas, non maxime defuit, doctrina certe et otium et hercule etiam studium illud discendi acerrimum defuit, quid censes, si ad alicuius ingenium vel maius illa, quae ego non attigi, accesserint, qualem illum et quantum oratorem futurum?

Antony points out practical difficulties and the danger that, in pursuing such studies, practice would be neglected. He gives an account of a discussion on the office of an orator, held at Athens between some eminent philosophers and rhetoricians, refers to a little treatise of his own written at that time, and says that he does not despair of hearing the ideal orator. §§ 80–95.

18. Tum Antonius, probas mihi, inquit, ista, Crasse, 80
quae dicis, nec dubito quin multo locupletior in dicendo futurus sit, si quis omnium rerum atque artium
rationem naturamque comprehenderit. Sed primum 81
id difficile est factu, praesertim in hac nostra vita nostrisque occupationibus; deinde illud etiam verendum est, ne abstrahamur ab hac exercitatione et consuetudine dicendi populari et forensi. Aliud enim mihi quoddam orationis genus esse videtur eorum hominum, de quibus paulo ante dixisti, quamvis illi ornate et graviter aut de natura rerum aut de humanis rebus loquantur. Nitidum quoddam genus est verborum et laetum, et palaestrae magis et olei quam
huius civilis turbae ac fori. Namque egomet, qui sero 82

ac leviter Graecas litteras attigissem, tamen cum pro
consule in Ciliciam proficiscens venissem Athenas,
compluris tum ibi dies sum propter navigandi difficul-
tatem commoratus; sed, cum cotidie mecum haberem
homines doctissimos, eos fere ipsos, qui abs te modo
sunt nominati, cum hoc nescio quo modo apud eos in-
crebruisset, me in causis maioribus sicuti te solere
versari, pro se quisque quae poterat de officio et de
83 ratione oratoris disputabat. Horum alii, sicuti iste
ipse Mnesarchus, hos, quos nos oratores vocaremus,
nihil esse dicebat nisi quosdam operarios lingua celeri
et exercitata; oratorem autem, nisi qui sapiens esset,
esse neminem, atque ipsam eloquentiam, quod ex bene
dicendi scientia constaret, unam quandam esse virtu-
tem et, qui unam virtutem haberet, omnis habere,
easque esse inter se aequalis et paris; ita, qui esset
eloquens, eum virtutes omnis habere atque esse sa-
pientem. Sed haec erat spinosa quaedam et exilis
84 oratio longeque ab nostris sensibus abhorrebat. Char-
madas vero multo uberius eisdem de rebus loquebatur,
non quo aperiret sententiam suam; hic enim mos erat
patrius Academiae, adversari semper omnibus in
disputando; sed cum maxime tamen hoc significa-
bat, eos, qui rhetores nominarentur et qui dicendi
praecepta traderent, nihil plane tenere neque posse
quemquam facultatem adsequi dicendi, nisi qui phi-
losophorum inventa didicisset.

85 **19.** Disputabant contra diserti homines Athenienses
et in re publica causisque versati, in quis erat etiam
is, qui nuper Romae fuit, Menedemus, hospes meus.
Qui cum diceret esse quandam prudentiam, quae
versaretur in perspiciendis rationibus constituenda-

rum et regendarum rerum publicarum, excitabatur homo promptus atque omni abundans doctrina et quadam incredibili varietate rerum atque copia. Omnis enim partis illius ipsius prudentiae petendas esse a philosophia docebat, neque ea, quae statuerentur in re publica de dis immortalibus, de disciplina iuventutis, de iustitia, de patientia, de temperantia, de modo rerum omnium, ceteraque, sine quibus civitates aut esse aut bene moratae esse non possent, usquam in eorum in-
veniri libellis. Quod si tantam vim rerum maximarum 86
arte sua rhetorici illi doctores complecterentur, quaerebat cur de prooemiis et de epilogis et de huius modi nugis — sic enim appellabat — referti essent eorum libri, de civitatibus instituendis, de scribendis legibus, de aequitate, de iustitia, de fide, de frangendis cupiditatibus, de conformandis hominum moribus littera nulla
in eorum libris inveniretur. Ipsa vero praecepta sic 87
inludere solebat, ut ostenderet non modo eos expertos esse illius prudentiae, quam sibi asciscerent, sed ne hanc quidem ipsam dicendi rationem ac viam nosse. Caput enim arbitrabatur esse oratoris, ut et ipsi eis, apud quos ageret, talis, qualem se esse optaret, videretur; id fieri vitae dignitate, de qua nihil rhetorici isti doctores in praeceptis suis reliquissent: et uti ei, qui audirent, sic adficerentur animis, ut eos adfici vellet orator; quod item fieri nullo modo posse, nisi cognosset is, qui diceret, quot modis hominum mentes et quibus et quo genere orationis in quamque partem moverentur; haec autem esse penitus in media philosophia retrusa atque abdita, quae isti rhetores ne primoribus
quidem labris attigissent. Ea Menedemus exemplis 88
magis quam argumentis conabatur refellere. Memo-

riter enim multa ex orationibus Demostheni praeclare scripta pronuntians docebat illum in animis vel iudicum vel populi in omnem partem dicendo permovendis non fuisse ignarum, quibus ea rebus consequeretur, quae negaret ille sine philosophia quemquam nosse posse.

89 **20.** Huic respondebat non se negare Demosthenem summam prudentiam summamque vim habuisse dicendi, sed sive ille hoc ingenio potuisset sive, id quod constaret, Platonis studiosus audiendi fuisset, non quid ille potuisset, sed quid isti docerent esse quaerendum.
90 Saepe etiam in eam partem ferebatur oratione, ut omnino disputaret nullam artem esse dicendi; idque cum argumentis docuerat, quod ita nati essemus, ut et blandiri *eis* subtiliter, a quibus esset petendum, et adversarios minaciter terrere possemus et rem gestam exponere et id, quod intenderemus, confirmare et, quod contra diceretur, refellere, ad extremum deprecari aliquid et conqueri, quibus in rebus omnis oratorum versaretur facultas, et quod consuetudo exercitatioque et intellegendi prudentiam acueret et eloquendi celeritatem incitaret, tum etiam exemplorum copia nitebatur.
91 Nam primum quasi dedita opera neminem scriptorem artis ne mediocriter quidem disertum fuisse dicebat, cum repeteret usque a Corace nescio quo et Tisia, quos artis illius inventores et principes fuisse constaret; eloquentissimos autem homines, qui ista nec didicissent nec omnino scire curassent, innumerabilis quosdam nominabat; in quibus etiam, sive ille inridens sive quod ita putaret atque ita audisset, me in illo numero, qui illa non didicissem et tamen, ut ipse dicebat, possem aliquid in dicendo, proferebat. Quorum

ego alterum illi facile adsentiebar, nihil me didicisse,
in altero autem me inludi ab eo aut etiam ipsum errare
arbitrabar. Artem vero negabat esse ullam, nisi quae 92
cognitis penitusque perspectis et in unum exitum spec-
tantibus et numquam fallentibus rebus contineretur.
Haec autem omnia, quae tractarentur ab oratoribus,
dubia esse et incerta; quoniam et dicerentur ab eis,
qui omnia ea non plane tenerent, et audirentur ab eis,
quibus non scientia esset tradenda, sed exigui temporis
aut falsa aut certe obscura opinio. Quid multa? sic 93
mihi tum persuadere videbatur neque artificium ullum
esse dicendi neque quemquam posse, nisi qui illa, quae
ab doctissimis hominibus in philosophia dicerentur,
cognosset, aut callide aut copiose dicere. In quibus
Charmadas solebat ingenium tuum, Crasse, vehementer
admirari: me sibi perfacilem in audiendo, te perpugna-
cem in disputando esse visum.

21. Itaque ego hac eadem opinione adductus scripsi 94
etiam illud quodam in libello, qui me imprudente et
invito excidit et pervenit in manus hominum, disertos
cognosse me nonnullos, eloquentem adhuc neminem,
quod eum statuebam disertum, qui posset satis acute
atque dilucide apud mediocris homines ex communi
quadam opinione hominum dicere, eloquentem vero,
qui mirabilius et magnificentius augere posset atque
ornare quae vellet omnisque omnium rerum, quae ad
dicendum pertinerent, fontis animo ac memoria con-
tineret. Id si est difficile nobis, quod ante, quam ad
discendum ingressi sumus, obruimur ambitione et foro,
sit tamen in re positum atque natura. Ego enim, 95
quantum auguror coniectura quantaque ingenia in
nostris hominibus esse video, non despero fore ali-

quem aliquando, qui et studio acriore, quam nos sumus atque fuimus, et otio ac facultate discendi maiore ac maturiore et labore atque industria superiore, cum se ad audiendum, legendum scribendumque dederit, exsistat talis orator, qualem quaerimus, qui iure non solum disertus, sed etiam eloquens dici possit; qui tamen mea sententia aut hic est iam Crassus aut, si quis pari fuerit ingenio pluraque quam hic et audierit et lectitarit et scripserit, paulum huic aliquid poterit addere.

Sulpicius and Cotta are delighted with the conversation, and request that it be continued. Crassus turns it over to Antony, but is pressed by Cotta, and consents to answer their questions as far as he can. §§ 96–101.

96 Hoc loco Sulpicius, insperanti, inquit, mihi et Cottae, sed valde optanti utrique nostrum cecidit, ut in istum sermonem, Crasse, delaberemini. Nobis enim huc venientibus satis iucundum fore videbatur, si, cum vos de rebus aliis loqueremini, tamen nos aliquid ex sermone vestro memoria dignum excipere possemus; ut vero penitus in eam ipsam totius huius vel studi vel artifici vel facultatis disputationem paene intimam
97 veniretis, vix optandum nobis videbatur. Ego enim, qui ab ineunte aetate incensus essem studio utriusque vestrum, Crassi vero etiam amore, cum ab eo nusquam discederem, verbum ex eo numquam elicere potui de vi ac ratione dicendi, cum et per memet ipsum egissem et per Drusum saepe temptassem; quo in genere tu, Antoni, — vere loquar — numquam mihi percontanti aut quaerenti aliquid defuisti et persaepe me, quae
98 soleres in dicendo observare, docuisti. Nunc, quoniam

uterque vestrum patefecit earum ipsarum rerum aditum, quas quaerimus, et quoniam princeps Crassus eius sermonis ordiendi fuit, date nobis hanc veniam, ut ea, quae sentitis de omni genere dicendi, subtiliter persequamini. Quod quidem si erit a vobis impetratum, magnam habebo, Crasse, huic palaestrae et Tusculano tuo gratiam et longe Academiae illi ac Lycio tuum hoc suburbanum gymnasium anteponam.

22. Tum ille, immo vero, inquit, Sulpici, rogemus 99
Antonium, qui et potest facere, quod requiris, et consuevit, ut te audio dicere. Nam me quidem fateor semper a genere hoc toto sermonis refugisse et tibi cupienti atque instanti saepissime negasse, ut tute paulo ante dixisti. Quod ego non superbia neque inhumanitate faciebam neque quod tuo studio rectissimo atque optimo non obsequi vellem, praesertim cum te unum ex omnibus ad dicendum maxime natum aptumque cognossem, sed mehercule istius disputationis insolentia atque earum rerum, quae quasi in
arte traduntur, inscitia. Tum Cotta, quoniam id, 100
quod difficillimum nobis videbatur, ut omnino de his rebus, Crasse, loquerere, adsecuti sumus, de reliquo iam nostra culpa fuerit, si te, nisi omnia, quae per-
contati erimus, explicaris, dimiserimus. De eis, 101
credo, rebus, inquit Crassus, ut in cretionibus scribi solet: QUIBUS SCIAM POTEROQUE. Tum ille, nam quod tu non poteris aut nescies, quis nostrum tam impudens est, qui se scire aut posse postulet?

Iam vero ista condicione, dum mihi liceat negare posse quod non potero et fateri nescire quod nesciam, licet, inquit Crassus, vestro arbitratu percontemini.

As to the question whether there is an art of speaking, — Crassus says it depends upon the sense in which the word is used. In a certain sense there is; but eloquence depends upon matters more important than the rules of art. §§ 102–109.

102 Atqui, inquit, hoc ex te, de quo modo Antonius
exposuit, quid sentias, quaerimus, existimesne artem
aliquam esse dicendi? Quid? mihi vos nunc, inquit
Crassus, tamquam alicui Graeculo otiosi et loquaci et
fortasse docto atque erudito quaestiunculam, de qua
meo arbitratu loquar, ponitis? Quando enim me ista
curasse aut cogitasse arbitramini et non semper irri-
sisse potius eorum hominum impudentiam, qui cum
in schola adsedissent, ex magna hominum frequentia
103 dicere iuberent si quis quid quaereret? Quod primum
ferunt Leontinum fecisse Gorgiam, qui permagnum
quiddam suscipere ac profiteri videbatur, cum se ad
omnia, de quibus quisque audire vellet, esse paratum
denuntiaret. Postea vero vulgo hoc facere coeperunt
hodieque faciunt, ut nulla sit res neque tanta neque
tam improvisa neque tam nova, de qua se non omnia,
104 quae dici possint, profiteantur esse dicturos. Quodsi
te, Cotta, arbitrarer aut te, Sulpici, de eis rebus audire
velle, adduxissem huc Graecum aliquem, qui nos
istiusmodi disputationibus delectaret; quod ne nunc
quidem difficile factu est. Est enim apud M. Piso-
nem, adulescentem huic studio deditum, summo
hominem ingenio nostrique cupidissimum, Peripate-
ticus Staseas, homo nobis sane familiaris et, ut inter
homines peritos constare video, in illo suo genere
omnium princeps.

105 **23**. Quem tu mihi, inquit Mucius, Staseam, quem
Peripateticum narras? Gerendus est tibi mos adu-

lescentibus, Crasse, qui non Graeci alicuius cotidianam loquacitatem sine usu neque ex scholis cantilenam requirunt, sed ex homine omnium sapientissimo atque eloquentissimo atque ex eo, qui non in libellis, sed in maximis causis et in hoc domicilio imperi et gloriae sit consilio linguaque princeps, cuius vestigia persequi
cupiunt, eius sententiam sciscitantur. Equidem te 106
cum in dicendo semper putavi deum, tum vero tibi numquam eloquentiae maiorem tribui laudem quam humanitatis; qua nunc uti vel maxime decet te neque defugere eam disputationem, ad quam te duo excellentes ingeniis adulescentes cupiunt accedere.

Ego vero, inquit, istis obsequi studeo neque gravabor 107
breviter meo more, quid quaque de re sentiam, dicere. Ac primum illud — quoniam auctoritatem tuam neglegere, Scaevola, fas mihi non esse puto — respondeo, mihi dicendi aut nullam artem aut pertenuem videri, sed omnem esse contentionem inter homines doctos in
verbi controversia positam. Nam si ars ita definitur, 108
ut paulo ante exposuit Antonius, ex rebus penitus perspectis planeque cognitis atque ab opinionis arbitrio seiunctis scientiaque comprehensis, non mihi videtur ars oratoris esse ulla. Sunt enim varia et ad volgarem popularemque sensum accommodata omnia genera
huius forensis nostrae dictionis. Sin autem ea, quae 109
observata sunt in usu ac tractatione dicendi, haec ab hominibus callidis ac peritis animadversa ac notata, verbis definita, generibus inlustrata, partibus distributa sunt — id quod video potuisse fieri —, non intellego, quamobrem non, si minus illa subtili definitione, at hac volgari opinione ars esse videatur. Sed sive est ars sive artis quaedam similitudo, non est ea

quidem neglegenda; verum intellegendum est alia quaedam ad consequendam eloquentiam esse maiora.

Discussion of the first great requisite for eloquence, viz. natural ability. §§ 110–133.

110 **24**. Tum Antonius vehementer se adsentiri Crasso dixit, quod neque ita amplecteretur artem, ut ei solerent, qui omnem vim dicendi in arte ponerent, neque rursus eam totam, sicut plerique philosophi facerent, repudiaret. Sed existimo, inquit, gratum te his, Crasse, facturum, si ista exposueris, quae putas ad dicendum plus, quam ipsam artem posse prodesse.

111 Dicam equidem, quoniam institui, petamque a
vobis, inquit, ne has meas ineptias efferatis; quam-
quam moderabor ipse, ne ut quidam magister atque
artifex, sed quasi unus e togatorum numero atque
ex forensi usu homo mediocris neque omnino rudis
videar non ipse a me aliquid promisisse, sed fortuito
112 in sermonem vestrum incidisse. Equidem cum pete-
rem magistratum, solebam in prensando dimittere a
me Scaevolam, cum ita ei dicerem, me velle esse
ineptum (id erat, petere blandius, quod, nisi inepte
fieret, bene non posset fieri), hunc autem esse unum
hominem ex omnibus, quo praesente ego ineptum
esse me minime vellem; quem quidem nunc mearum
ineptiarum testem et spectatorem fortuna constituit.
Nam quid est ineptius quam de dicendo dicere, cum
ipsum dicere numquam sit non ineptum, nisi cum est
113 necessarium? Perge vero, inquit, Crasse, Mucius.
Istam enim culpam, quam vereris, ego praestabo.

25. Sic igitur, inquit, sentio, Crassus, naturam primum atque ingenium ad dicendum vim adferre maxi-

mam; neque vero istis, de quibus paulo ante dixit
Antonius, scriptoribus artis rationem dicendi et viam,
sed naturam defuisse. Nam et animi atque ingeni
celeres quidam motus esse debent, qui et ad excogi-
tandum acuti et ad explicandum ornandumque sint
uberes et ad memoriam firmi atque diuturni; et si 114
quis est, qui haec putet arte accipe posse — quod
falsum est; praeclare enim res se habet, si haec
accendi aut commoveri arte possunt, inseri quidem
et donari ab arte non possunt; omnia sunt enim illa
dona naturae — quid de illis dicam, quae certe cum
ipso homine nascuntur, linguae solutio, vocis sonus,
latera, vires, conformatio quaedam et figura totius
oris et corporis? Neque haec ita dico, ut ars aliquos 115
limare non possit — neque enim ignoro et, quae bona
sint, fieri meliora posse doctrina et, quae non optima,
aliquo modo acui tamen et corrigi posse — sed sunt
quidam aut ita lingua haesitantes aut ita voce absoni
aut ita voltu motuque corporis vasti atque agrestes, ut,
etiamsi ingeniis atque arte valeant, tamen in oratorum
numerum venire non possint. Sunt autem quidam
ita in eisdem rebus habiles, ita naturae muneribus
ornati, ut non nati, sed ab aliquo deo ficti esse videan-
tur. Magnum quoddam est onus atque munus susci- 116
pere atque profiteri se esse omnibus silentibus unum
maximis de rebus magno in conventu hominum audien-
dum. Adest enim fere nemo, quin acutius atque
acrius vitia in dicente quam recta videat. Ita quic-
quid est, in quo offenditur, id etiam illa, quae lau-
danda sunt, obruit. Neque haec in eam sententiam 117
disputo, ut homines adulescentes, si quid naturale
forte non habeant, omnino a dicendi studio deterream.

Quis enim non videt C. Caelio, aequali meo, magno honori fuisse, homini novo, illam ipsam, quamcumque adsequi potuerit, in dicendo mediocritatem? Quis vestrum aequalem, Q. Varium, vastum hominem atque foedum, non intellegit illa ipsa facultate, quamcumque habuit, magnam esse in civitate gratiam consecutum?

118 **26**. Sed quia de oratore quaerimus, fingendus est nobis oratione nostra detractis omnibus vitiis orator atque omni laude cumulatus. Neque enim, si multitudo litium, si varietas causarum, si haec turba et barbaria forensis dat locum vel vitiosissimis oratoribus, idcirco nos hoc, quod quaerimus, omittemus. Itaque in eis artibus, in quibus non utilitas quaeritur necessaria, sed animi libera quaedam oblectatio, quam diligenter et quam prope fastidiose iudicamus! Nullae enim lites neque controversiae sunt, quae cogant homines sicut in foro non bonos oratores,
119 item in theatro actores malos perpeti. Est igitur oratori diligenter providendum, non uti eis satis faciat, quibus necesse est, sed ut eis admirabilis esse videatur, quibus libere liceat iudicare. Ac, si quaeritis plane quid sentiam, enuntiabo apud homines familiarissimos, quod adhuc semper tacui et tacendum putavi. Mihi, etiam qui optime dicunt quique id facillime atque ornatissime facere possunt, tamen, nisi timide ad dicendum accedunt et in exordienda oratione perturbantur, paene impudentes videntur;
120 tametsi id accidere non potest. Ut enim quisque optime dicit, ita maxime dicendi difficultatem variosque eventus orationis exspectationemque hominum pertimescit. Qui vero nihil potest dignum re, di-

gnum nomine oratoris, dignum hominum auribus
efficere atque edere, is mihi, etiamsi commovetur
in dicendo, tamen impudens videtur. Non enim
pudendo, sed non faciendo id, quod non decet, im-
pudentiae nomen effugere debemus. Quem vero non 121
pudet — id quod in plerisque video, — hunc ego non
reprehensione solum, sed etiam poena dignum puto.
Equidem et in vobis animadvertere soleo et in me
ipso saepissime experior, ut exalbescam in principiis
dicendi et tota mente atque artubus omnibus contre-
miscam. Adulescentulus vero sic initio accusationis
exanimatus sum, ut hoc summum beneficium Q.
Maximo debuerim, quod continuo consilium di-
miserit, simul ac me fractum ac debilitatum metu
viderit.

Hic omnes adsensi significare inter sese et colloqui 122
coeperunt. Fuit enim mirificus quidam in Crasso
pudor, qui tamen non modo non obesset eius orationi,
sed etiam probitatis commendatione prodesset.

27. Tum Antonius, saepe, ut dicis, inquit, ani-
madverti, Crasse, et te et ceteros oratores summos,
quamquam tibi par mea sententia nemo umquam
fuit, in dicendi exordio permoveri. Cuius quidem rei 123
cum causam quaererem, quidnam esset, cur, ut in
quoque oratore plurimum esset, ita maxime is perti-
mesceret, has causas inveniebam duas: unam, quod
intellegerent ei, quos usus ac natura docuisset, non-
numquam summis oratoribus non satis ex sententia
eventum dicendi procedere; ita non iniuria, quotiens-
cumque dicerent, id, quod aliquando posset accidere,
ne tum accideret, timere. Altera est haec, de qua 124
queri saepe soleo, quod ceterarum homines artium

spectati et probati, si quando aliquid minus bene fecerunt, quam solent, aut noluisse aut valetudine impediti non potuisse consequi id, quod scirent, putantur: *Noluit,* inquiunt, *hodie agere Roscius;* aut: *Crudior fuit;* oratoris peccatum, si quod est
125 animadversum, stultitiae peccatum videtur. Stultitia autem excusationem non habet, quia nemo videtur, aut quia crudis fuerit aut quod ita maluerit, stultus fuisse. Quo etiam gravius iudicium in dicendo subimus. Quotiens enim dicimus, totiens de nobis iudicatur; et, qui semel in gestu peccavit, non continuo existimatur nescire gestum; cuius autem in dicendo quid reprehensum est, aut aeterna in eo aut certe diuturna valet opinio tarditatis.

126 **28.** Illud vero, quod a te dictum est, esse permulta, quae orator a natura nisi haberet, non multum a magistro adiuvaretur, valde tibi adsentior inque eo vel maxime probavi summum illum doctorem, Alabandensem Apollonium, qui cum mercede doceret, tamen non patiebatur eos, quos iudicabat non posse oratores evadere, operam apud sese perdere, dimittebatque et ad quam quemque artem putabat esse
127 aptum, ad eam impellere atque hortari solebat. Satis est enim in ceteris artificiis percipiendis tantummodo similem esse hominis et id, quod tradatur vel etiam inculcetur, si qui forte sit tardior, posse percipere animo et memoria custodire. Non quaeritur mobilitas linguae, non celeritas verborum, non denique ea, quae nobis non possumus fingere, facies, voltus,
128 sonus. In oratore autem acumen dialecticorum, sententiae philosophorum, verba prope poëtarum, memoria iuris consultorum, vox tragoedorum, gestus paene

summorum actorum est requirendus. Quamobrem nihil in hominum genere rarius perfecto oratore inveniri potest. Quae enim singularum rerum artifices singula si mediocriter adepti sunt, probantur, ea nisi omnia summa sunt in oratore, probari non potest.

Tum Crassus, atqui vide, inquit, in artificio per- 129
quam tenui et levi quanto plus adhibeatur diligentiae, quam in hac re, quam constat esse maximam. Saepe enim soleo audire Roscium, cum ita dicat, se adhuc reperire discipulum, quem quidem probaret, potuisse neminem, non quo non essent quidam probabiles, sed quia, si aliquid modo esset viti, id ferre ipse non posset. Nihil est enim tam insigne nec tam ad diuturnitatem memoriae stabile, quam id, in quo
aliquid offenderis. Itaque ut ad hanc similitudinem 130
huius histrionis oratoriam laudem dirigamus, videtisne quam nihil ab eo nisi perfecte, nihil nisi cum summa venustate fiat, nisi ita, ut deceat et uti omnes moveat atque delectet? Itaque hoc iam diu est consecutus, ut, in quo quisque artificio excelleret, is in suo genere Roscius diceretur. Hanc ego absolutionem perfectionemque in oratore desiderans, a qua ipse longe absum, facio impudenter; mihi enim volo ignosci, ceteris ipse non ignosco. Nam qui non potest, qui vitiose facit, quem denique non decet, hunc, ut Apollonius iubebat, ad id, quod facere possit, detrudendum puto.

29. Num tu igitur, inquit Sulpicius, me aut hunc 131
Cottam ius civile aut rem militarem iubes discere? Nam quis ad ista summa atque in omni genere perfecta potest pervenire? Tum ille, ego vero, inquit,

quod in vobis egregiam quandam ac praeclaram indolem ad dicendum esse cognovi, idcirco haec exposui omnia; nec magis ad eos deterrendos, qui non possent, quam ad vos, qui possetis, exacuendos accommodavi orationem meam; et quamquam in utroque vestrum summum esse ingenium studiumque perspexi, tamen haec, quae sunt in specie posita, de quibus plura fortasse dixi, quam solent Graeci dicere, in te, Sulpici,
132 divina sunt. Ego enim neminem nec motu corporis neque ipso habitu atque forma aptiorem nec voce pleniorem aut suaviorem mihi videor audisse; quae quibus a natura minora data sunt, tamen illud adsequi possunt, ut eis, quae habent, modice et scienter utantur et ut ne dedeceat. Id enim est maxime vitandum et de hoc uno minime est facile praecipere non mihi modo, qui sicut unus paterfamilias his de rebus loquor, sed etiam ipsi illi Roscio, quem saepe audio dicere caput esse artis decere; quod tamen unum id
133 esse, quod tradi arte non possit. Sed, si placet, sermonem alio transferamus et nostro more aliquando, non rhetorico, loquamur.

Minime vero, inquit Cotta. Nunc enim te iam exoremus necesse est, quoniam retines nos in hoc studio nec ad aliam dimittis artem, ut nobis explices, quicquid est istud, quod tu in dicendo potes; neque enim sumus nimis avidi: ista tua mediocri eloquentia contenti sumus; idque ex te quaerimus (ut ne plus nos adsequamur, quam quantulum tu in dicendo adsecutus es), quoniam, quae a natura expetenda sunt, ea dicis non nimis deesse nobis, quid praeterea esse adsumendum putes?

Discussion of the second requisite, viz. a passionate devotion to the art, and application in the pursuit of it. Crassus outlines a method of training. §§ 134–159.

30. Tum Crassus adridens, quid censes, inquit, 134
Cotta, nisi studium et ardorem quendam amoris? sine quo cum in vita nihil quisquam egregium, tum certe hoc, quod tu expetis, nemo umquam adsequetur. Neque vero vos ad eam rem video esse cohortandos, quos, cum mihi quoque sitis molesti, nimis etiam
flagrare intellego cupiditate. Sed profecto studia 135
nihil prosunt perveniendi aliquo, nisi illud, quod eo, quo intendas, ferat deducatque, cognoris. Quare quoniam mihi levius quoddam onus imponitis neque ex me de oratoris arte, sed de hac mea, quantulacumque est, facultate quaeritis, exponam vobis non quandam aut perreconditam aut valde difficilem aut magnificam aut gravem rationem consuetudinis meae, qua quondam solitus sum uti, cum mihi in isto studio versari
adulescenti licebat. Tum Sulpicius, O diem, Cotta, 136
nobis, inquit, optatum! Quod enim neque precibus umquam nec insidiando nec speculando adsequi potui, ut, quid Crassus ageret meditandi aut dicendi causa, non modo videre mihi, sed ex eius scriptore et lectore Diphilo suspicari liceret, id spero nos esse adeptos omniaque iam ex ipso, quae diu cupimus, cognituros.

31. Tum Crassus, atqui arbitror, Sulpici, cum 137
audieris, non tam te haec admiraturum, quae dixero, quam existimaturum tum, cum ea audire cupiebas, causam cur cuperes non fuisse. Nihil enim dicam reconditum, nihil exspectatione vestra dignum, nihil aut inauditum vobis aut cuiquam novum. Nam principio, id quod est homine ingenuo liberaliterque edu-

cato dignum, non negabo me ista omnium communia
138 et contrita praecepta didicisse: primum oratoris officium esse dicere ad persuadendum accommodate; deinde esse omnem orationem aut de infinitae rei quaestione sine designatione personarum et temporum
139 aut de re certis in personis ac temporibus locata. In utraque autem re quicquid in controversiam veniat, in eo quaeri solere aut factumne sit aut, si est factum, quale sit aut etiam quo nomine vocetur aut, quod
140 nonnulli addunt, rectene factum esse videatur. Exsistere autem controversias etiam ex scripti interpretatione, in quo aut ambigue quid sit scriptum aut contrarie aut ita, ut a sententia scriptura dissentiat; his autem omnibus partibus subiecta quaedam esse
141 argumenta propria. Sed causarum, quae sint a communi quaestione seiunctae, partim in iudiciis versari, partim in deliberationibus; esse etiam genus tertium, quod in laudandis aut vituperandis hominibus poneretur; certosque esse locos, quibus in iudiciis uteremur, in quibus aequitas quaereretur; alios in deliberationibus, quae omnes ad utilitatem dirigerentur eorum, quibus consilium daremus; alios item in laudationibus, in quibus ad personarum digni-
142 tatem omnia referrentur. Cumque esset omnis oratoris vis ac facultas in quinque partis distributa, ut deberet reperire primum quid diceret, deinde inventa non solum ordine, sed etiam momento quodam atque iudicio dispensare atque componere; tum ea denique vestire atque ornare oratione; post memoria saepire; ad extremum agere cum dignitate ac
143 venustate; etiam illa cognoram et acceperam, ante quam de re diceremus, initio conciliandos eorum esse

animos, qui audirent; deinde rem demonstrandam; postea controversiam constituendam; tum id, quod nos intenderemus, confirmandum; post, quae contra dicerentur, refellenda; extrema autem oratione ea, quae pro nobis essent, amplificanda et augenda, quaeque essent pro adversariis, infirmanda atque frangenda.

32. Audieram etiam quae orationis ipsius orna- 144
mentis traderentur; in qua praecipitur primum, ut pure et Latine loquamur; deinde ut plane et dilucide; tum ut ornate; post ad rerum dignitatem apte et quasi decore; singularumque rerum praecepta cognoram. Quin etiam, quae maxime propria essent natu- 145
rae, tamen his ipsis artem adhiberi videram. Nam de actione et de memoria quaedam brevia, sed magna cum exercitatione praecepta gustaram. In his enim fere rebus omnis istorum artificum doctrina versatur, quam ego si nihil dicam adiuvare, mentiar. Habet enim quaedam quasi ad commonendum oratorem, quo quidque referat et quo intuens ab eo, quodcumque sibi proposuerit, minus aberret. Verum ego hanc vim 146
intellego esse in praeceptis omnibus, non ut ea secuti oratores eloquentiae laudem sint adepti, sed, quae sua sponte homines eloquentes facerent, ea quosdam observasse atque *conlegisse;* sic esse non eloquentiam ex artificio, sed artificium ex eloquentia natum; quod tamen, ut ante dixi, non eicio; est enim, etiam si minus necessarium ad bene dicendum, tamen ad cognoscendum non inliberale. Et exercitatio quaedam 147
suscipienda vobis est — quamquam vos quidem iam pridem estis in cursu — sed eis, qui ingrediuntur in stadium, quique ea, quae agenda sunt in foro tam-

quam in acie, possunt etiam nunc exercitatione quasi ludicra praediscere ac meditari.

148 Hanc ipsam, inquit Sulpicius, nosse volumus; ac tamen ista, quae abs te breviter de arte decursa sunt, audire cupimus, quamquam sunt nobis quoque non inaudita. Verum illa mox; nunc de ipsa exercitatione quid sentias quaerimus.

149 **33**. Equidem probo ista, Crassus inquit, quae vos facere soletis, ut, causa aliqua posita consimili causarum earum quae in forum deferuntur, dicatis quam maxime ad veritatem accommodate; sed plerique in hoc vocem modo, neque eam scienter, et viris exercent suas et linguae celeritatem incitant verborumque frequentia delectantur. In quo fallit eos, quod audierunt, dicendo homines, ut dicant, efficere solere.
150 Vere enim etiam illud dicitur, perverse dicere homines perverse dicendo facillime consequi. Quamobrem in istis ipsis exercitationibus, etsi utile est etiam subito saepe dicere, tamen illud utilius, sumpto spatio ad cogitandum, paratius atque accuratius dicere. Caput autem est, quod, ut vere dicam, minime facimus, (est enim magni laboris, quem plerique fugimus) quam plurimum scribere. Stilus optimus et praestantissimus dicendi effector ac magister; neque iniuria. Nam si subitam et fortuitam orationem commentatio et cogitatio facile vincit, hanc ipsam profecto adsidua ac diligens scriptura superabit.
151 Omnes enim, sive artis sunt loci sive ingeni cuiusdam ac prudentiae, qui modo insunt in ea re, de qua scribimus, anquirentibus nobis omnique acie ingeni contemplantibus ostendunt se et occurrunt; omnesque sententiae verbaque omnia, quae sunt cuiusque generis

maxime inlustria, sub acumen stili subeant et succe-
dant necesse est; tum ipsa collocatio conformatioque
verborum perficitur in scribendo, non poëtico, sed
quodam oratorio numero et modo. Haec sunt, quae 152
clamores et admirationes in bonis oratoribus efficiunt;
neque ea quisquam, nisi diu multumque scriptitarit,
etiamsi vehementissime se in his subitis dictionibus
exercuerit, consequetur. Et qui a scribendi consuetu-
dine ad dicendum venit, hanc adfert facultatem, ut,
etiam subito si dicat, tamen illa, quae dicantur, similia
scriptorum esse videantur; atque etiam, si quando in
dicendo scriptum attulerit aliquid, cum ab eo disces-
serit, reliqua similis oratio consequetur. Ut conci- 153
tato navigio, cum remiges inhibuerunt, retinet tamen
ipsa navis motum et cursum suum intermisso impetu
pulsuque remorum, sic in oratione perpetua, cum
scripta deficiunt, parem tamen obtinet oratio reliqua
cursum scriptorum similitudine et vi concitata.

34. In cotidianis autem commentationibus equidem 154
mihi adulescentulus proponere solebam illam exerci-
tationem maxime, qua C. Carbonem, nostrum illum
inimicum, solitum esse uti sciebam, ut aut versibus
propositis quam maxime gravibus aut oratione aliqua
lecta ad eum finem, quem memoria possem compre-
hendere, eam rem ipsam, quam legissem, verbis aliis
quam maxime possem lectis pronuntiarem. Sed post
animadverti hoc esse in hoc viti, quod ea verba, quae
maxime cuiusque rei propria quaeque essent ornatis-
sima atque optima, occupasset aut Ennius, si ad eius
versus me exercerem, aut Gracchus, si eius orationem
mihi forte proposuissem: ita, si eisdem verbis uterer,
nihil prodesse; si aliis, etiam obesse, cum minus

155 idoneis uti consuescerem. Postea mihi placuit eoque
sum usus adulescens, ut summorum oratorum Graecas
orationes explicarem. Quibus lectis hoc adsequebar,
ut, cum ea, quae legeram Graece, Latine redderem,
non solum optimis verbis uterer et tamen usitatis,
sed etiam exprimerem quaedam verba imitando, quae
156 nova nostris essent, dum modo essent idonea. Iam
vocis et spiritus et totius corporis et ipsius linguae
motus et exercitationes non tam artis indigent quam
laboris; quibus in rebus habenda est ratio diligenter,
quos imitemur, quorum similes velimus esse. In-
tuendi nobis sunt non solum oratores, sed etiam
actores, ne mala consuetudine ad aliquam deformita-
157 tem pravitatemque veniamus. Exercenda est etiam
memoria ediscendis ad verbum quam plurimis et
nostris scriptis et alienis. Atque in ea exercitatione
non sane mihi displicet adhibere, si consueris, etiam
istam locorum simulacrorumque rationem, quae in
arte traditur. Educenda deinde dictio est ex hac do-
mestica exercitatione et umbratili medium in agmen,
in pulverem, in clamorem, in castra atque in aciem
forensem, subeundus visus hominum et periclitandae
vires ingeni, et illa commentatio inclusa in veritatis
158 lucem proferenda est. Legendi etiam poëtae, cogno-
scendae historiae, omnium bonarum artium doctores
atque scriptores legendi et pervolutandi et exercita-
tionis causa laudandi, interpretandi, corrigendi, vitu-
perandi, refellendi; disputandumque de omni re in
contrarias partis et, quicquid erit in quaque re, quod
probabile videri possit, eliciendum [atque dicendum];
159 perdiscendum ius civile, cognoscendae leges, percipi-
enda omnis antiquitas, senatoria consuetudo, disci-

plina rei publicae, iura sociorum, foedera, pactiones, causa imperi cognoscenda est; libandus est etiam ex omni genere urbanitatis facetiarum quidam lepos, quo tamquam sale perspergatur omnis oratio. Effudi vobis omnia, quae sentiebam, quae fortasse, quemcumque patrem familias adripuissetis ex aliquo circulo, eadem vobis percontantibus respondisset.

Crassus is prevailed upon to continue the discussion, enlarging especially upon the requirements of oratory in the matter of knowledge. §§ 160–165.

35. Haec cum Crassus dixisset, silentium est con- 160
secutum. Sed quamquam satis eis, qui aderant, ad
id, quod erat propositum, dictum videbatur, tamen
sentiebant celerius esse multo, quam ipsi vellent, ab
eo peroratum. Tum Scaevola, quid est, Cotta? in-
quit, quid tacetis? Nihilne vobis in mentem venit,
quod praeterea ab Crasso requiratis? Id mehercule, 161
inquit, ipsum attendo. Tantus enim cursus verborum
fuit et sic evolavit oratio, ut eius vim et incitationem
aspexerim, vestigia ingressumque vix viderim, et tam-
quam in aliquam locupletem ac refertam domum vene-
rim non explicata veste neque proposito argento
neque tabulis et signis propalam collocatis, sed his
omnibus multis magnificisque rebus constructis ac re-
conditis: sic modo in oratione Crassi divitias atque
ornamenta eius ingeni per quaedam involucra atque
integumenta perspexi, sed ea contemplari cum cupe-
rem, vix aspiciendi potestas fuit. Itaque nec hoc
possum dicere, me omnino ignorare quid possideat,
neque plane nosse atque vidisse. Quin tu igitur facis 162
idem, inquit Scaevola, quod faceres, si in aliquam

domum plenam ornamentorum villamve venisses; si
ea seposita, ut dicis, essent, tu, qui valde spectandi
cupidus esses, non dubitares rogare dominum, ut
proferri iuberet, praesertim si esses familiaris; simi-
liter nunc petes a Crasso, ut illam copiam ornamento-
rum suorum, quam constructam uno in loco quasi
per transennam praetereuntes strictim aspeximus in
163 lucem proferat et suo quidque in loco collocet. Ego
vero, inquit Cotta, a te peto, Scaevola, — me enim et
hunc Sulpicium impedit pudor ab homine omnium
gravissimo, qui genus huiusmodi disputationis semper
contempserit, haec, quae isti forsitan puerorum ele-
menta videantur, exquirere, — sed tu hanc nobis
veniam, Scaevola, da; perfice, ut Crassus haec, quae
coartavit et peranguste refersit in oratione sua, dilatet
164 nobis atque explicet. Ego mehercule, inquit Mucius,
antea vestra magis hoc causa volebam, quam mea.
Neque enim tanto opere hanc a Crasso disputationem
desiderabam, quanto opere eius in causis oratione
delector; nunc vero, Crasse, mea quoque *te* iam causa
rogo, ut, quoniam tantum habemus oti, quantum iam
diu nobis non contigit, ne graveris exaedificare id
opus, quod instituisti. Formam enim totius negoti
opinione meliorem maioremque video; quam vehe-
menter probo.

165 **36**. Enimvero, inquit Crassus, mirari satis non queo
etiam te haec, Scaevola, desiderare, quae neque ego
ita teneo, uti ei, qui docent; neque sunt eius generis,
ut, si optime tenerem, digna essent ista sapientia ac
tuis auribus. Ain' tu? inquit ille. Si de istis com-
munibus et pervagatis vix huic aetati audiendum
putas, etiamne illa neglegere possumus, quae tu ora-

tori cognoscenda esse dixisti, de naturis hominum, de moribus, de rationibus eis, quibus hominum mentes et incitarentur et reprimerentur, de historia, de antiquitate, de administratione rei publicae, denique de nostro ipso iure civili? Hanc enim ego omnem scientiam et copiam rerum in tua prudentia sciebam inesse; in oratoris vero instrumento tam lautam supellectilem numquam videram.

Crassus illustrates the importance of the knowledge of the civil law to the orator. §§ 166–184.

Potes igitur, inquit Crassus, ut alia omittam 166
innumerabilia et immensa et ad ipsum civile ius tuum veniam, oratores putare eos, quos multas horas exspectavit, cum in campum properaret, et ridens et stomachans Scaevola, cum Hypsaeus maxima voce, plurimis verbis a M. Crasso praetore contenderet, ut ei, quem defendebat, causa cadere liceret, Cn. autem Octavius, homo consularis, non minus longa oratione recusaret, ne adversarius causa caderet ac ne is, pro quo ipse diceret, turpi tutelae iudicio atque omni
molestia stultitia adversari liberaretur? Ego vero 167
istos, inquit—memini enim mihi narrare Mucium,—non modo oratoris nomine, sed ne foro quidem dignos putarim. Atqui non defuit illis patronis, inquit Crassus, eloquentia neque dicendi ratio aut copia, sed iuris civilis scientia, quod alter plus lege agendo petebat, quam quantum lex in XII tabulis permiserat; quod cum impetrasset, causa caderet; alter iniquum putabat plus secum agi, quam quod erat in actione; neque intellegebat, si ita esset actum, litem adversarium perditurum.

168 **37.** Quid? in his paucis diebus nonne nobis in
tribunali Q. Pompei praetoris urbani familiaris
nostri sedentibus homo ex numero disertorum postu-
labat, ut illi, unde peteretur, vetus atque usitata
exceptio daretur, CUIUS PECUNIAE DIES FUISSET?
quod petitoris causa comparatum esse non intellege-
bat, ut, si ille infitiator probasset iudici ante petitam
esse pecuniam, quam esset coepta deberi, petitor
rursus cum peteret, ne exceptione excluderetur, QUOD
169 EA RES IN IUDICIUM ANTE VENISSET. Quid ergo hoc
fieri turpius aut dici potest, quam eum, qui hanc per-
sonam susceperit, ut amicorum controversias causas-
que tueatur, laborantibus succurrat, aegris medeatur,
adflictos excitet, hunc in minimis tenuissimisque
rebus ita labi, ut aliis miserandus, aliis irridendus
170 esse videatur? Equidem propinquum nostrum, P.
Crassum illum Divitem, cum multis aliis rebus ele-
gantem hominem et ornatum tum praecipue in hoc
efferendum et laudandum puto, quod, cum P. Scae-
volae frater esset, solitus est ei persaepe dicere neque
illum in iure civili satis illi arti facere posse, nisi
dicendi copiam adsumpsisset, quod quidem hic, qui
mecum consul fuit, filius eius est consecutus, neque
se ante causas amicorum tractare atque agere coepisse,
171 quam ius civile didicisset. Quid vero ille M. Cato?
nonne et eloquentia tanta fuit, quantam illa tempora
atque illa aetas in hac civitate ferre maximam potuit,
et iuris civilis omnium peritissimus. Verecundius
hac de re iam dudum loquor, quod adest vir in
dicendo summus, quem ego unum oratorem maxime
admiror; sed tamen idem hoc semper ius civile con-
172 tempsit. Verum, quoniam sententiae atque opinionis

meae voluistis esse participes, nihil occultabo et, quoad potero, vobis exponam quid de quaque re sentiam.

38. Antoni incredibilis quaedam et prope singularis et divina vis ingeni videtur, etiamsi hac scientia iuris nudata sit, posse se facile ceteris armis prudentiae tueri atque defendere. Quamobrem hic nobis sit exceptus; ceteros vero non dubitabo primum inertiae condemnare sententia mea, post etiam impudentiae.
Nam volitare in foro, haerere in iure ac praetorum 173
tribunalibus, iudicia privata magnarum rerum obire, in quibus saepe non de facto, sed de aequitate ac iure certetur, iactare se in causis centumviralibus, in quibus usucapionum, tutelarum, gentilitatum, agnationum, adluvionum, circumluvionum, nexorum, mancipiorum, parietum, luminum, stillicidiorum, testamentorum ruptorum aut ratorum, ceterarumque rerum innumerabilium iura versentur, cum omnino, quid suum, quid alienum, quare denique civis aut peregrinus, servus aut liber quispiam sit, ignoret, insignis est impuden-
tiae. Illa vero deridenda adrogantia est, in minoribus 174
navigiis rudem esse se confiteri, quinqueremes aut etiam maiores gubernare didicisse. Tu mihi cum in circulo decipiare adversari stipulatiuncula et cum obsignes tabellas clientis tui, quibus in tabellis id sit scriptum, quo ille capiatur, ego tibi ullam causam maiorem committendam putem? Citius hercule is, qui duorum scalmorum naviculam in portu everterit, in Euxino ponto Argonautarum navem gubernarit.
Quid? si ne parvae quidem causae sunt, sed saepe 175
maximae, in quibus certatur de iure civili, quod tandem os est eius patroni qui ad eas causas sine ulla

scientia iuris audet accedere? Quae potuit igitur
esse causa maior, quam illius militis, de cuius morte
cum domum falsus ab exercitu nuntius venisset et
pater eius re credita testamentum mutasset et, quem
ei visum esset, fecisset heredem essetque ipse mor-
tuus, res delata est ad centumviros, cum miles domum
revenisset egissetque lege in hereditatem paternam
testamento exheres filius? Nempe in ea causa quae-
situm est de iure civili, possetne paternorum bonorum
exheres esse filius, quem pater testamento neque here-
dem neque exheredem scripsisset nominatim.
176 **39**. Quid? qua de re inter Marcellos et Claudios
patricios centumviri iudicarunt, cum Marcelli ab
liberti filio stirpe, Claudii patricii eiusdem hominis
hereditatem gente ad se dicerent redisse, nonne in ea
causa fuit oratoribus de toto stirpis et gentilitatis
177 iure dicendum? Quid? quod item in centumvirali
iudicio certatum esse accepimus, cum Romam in ex-
silium venisset, cui Romae exsulare ius esset, si se ad
aliquem quasi patronum applicavisset, intestatoque
esset mortuus; nonne in ea causa ius applicationis,
obscurum sane et ignotum, patefactum in iudicio
178 atque illustratum est a patrono? Quid? nuper, cum
ego C. Sergi Oratae contra hunc nostrum Antonium
iudicio privato causam defenderem, nonne omnis
nostra in iure versata defensio est? Cum enim M.
Marius Gratidianus aedis Oratae vendidisset neque
servire quandam earum aedium partem in mancipi
lege dixisset, defendebamus, quicquid fuisset incom-
modi in mancipio, id si venditor scisset neque decla-
179 rasset, praestare debere. Quo quidem in genere
familiaris noster M. Buculeius, homo neque meo

iudicio stultus et suo valde sapiens et ab iuris studio non abhorrens, simili in re quodam modo nuper erravit. Nam cum aedis L. Fufio venderet, in mancipio lumina, uti tum essent, ita recepit. Fufius autem, simul atque aedificari coeptum est in quadam parte urbis, quae modo ex illis aedibus conspici posset, egit statim cum Buculeio, quod, cuicumque particulae caeli officeretur, quamvis esset procul, mutari lumina
putabat. Quid vero? clarissima M'. Curi causa Mar- 180
cique Coponi nuper apud centumviros quo concursu hominum, qua exspectatione defensa est? cum Q. Scaevola, aequalis et collega meus, homo omnium et disciplina iuris civilis eruditissimus et ingenio prudentiaque acutissimus et oratione maxime limatus atque subtilis atque, ut ego soleo dicere, iuris peritorum eloquentissimus, eloquentium iuris peritissimus, ex scripto testamentorum iura defenderet negaretque, nisi postumus et natus et, antequam in suam tutelam veniret, mortuus esset, heredem eum esse posse, qui esset secundum postumum et natum et mortuum heres institutus; ego autem defenderem eum hac tum mente fuisse, qui testamentum fecisset, ut, si filius non esset, qui in suam tutelam veniret, M'. Curius esset heres, num destitit uterque nostrum in ea causa in auctoritatibus, in exemplis, in testamentorum formulis, hoc est, in medio iure civili versari?

40. Omitto iam plura exempla causarum amplissi- 181
marum quae sunt innumerabilia; capitis nostri saepe potest accidere ut causae versentur in iure. Etenim si C. Mancinum, nobilissimum atque optimum virum atque consularem, cum eum propter invidiam Numantini foederis pater patratus ex S. C. Numantinis

dedidisset eumque illi non recepissent posteaque Mancinus domum revenisset neque in senatum introire dubitasset, P. Rutilius, M. filius, tribunus plebis, iussit educi, quod eum civem negaret esse, quia memoria sic esset proditum, quem pater suus aut populus vendidisset aut pater patratus dedidisset, ei
182 nullum esse postliminium, quam possumus reperire ex omnibus rebus civilibus causam contentionemque maiorem quam de ordine, de civitate, de libertate, de capite hominis consularis, praesertim cum haec non in crimine aliquo, quod ille posset infitiari, sed in civili iure consisteret? Similique in genere, inferiore ordine, si quis apud nos servisset ex populo foederato seseque liberasset, et postea domum revenisset, quaesitum est apud maiores nostros, num is ad suos postliminio redisset et amisisset hanc civitatem.
183 Quid? de libertate, quo iudicium gravius esse nullum potest, nonne ex iure civili potest esse contentio, cum quaeritur is, qui domini voluntate census sit, continuone an, ubi lustrum sit conditum, liber sit? Quid, quod usu memoria patrum venit, ut paterfamilias, qui ex Hispania Romam venisset, cum uxorem praegnantem in provincia reliquisset Romaeque alteram duxisset neque nuntium priori remisisset, mortuus esset intestato et ex utraque filius natus esset, mediocrisne res in controversiam adducta est? cum quaereretur de duobus civium capitibus, et de puero, qui ex posteriore natus erat, et de eius matre; quae, si iudicaretur certis quibusdam verbis, non novis nuptiis fieri cum superiore divortium, in concu-
184 binae locum duceretur. Haec igitur et horum similia iura suae civitatis ignorantem, erectum et celsum,

alacri et prompto ore atque voltu, huc atque illuc intuentem, vagari cum magna caterva toto foro, praesidium clientibus atque opem amicis et prope cunctis civibus lucem ingeni et consili sui porrigentem atque tendentem nonne inprimis flagitiosum putandum est?

The purposes and advantages of the study of the law; useful not only to the pleader, but to the historian, the statesman, the scholar, and the philosopher. It promotes patriotism and dignifies old age. §§ 185–203.

41. Et quoniam de impudentia dixi, castigemus 185
etiam segnitatem hominum atque inertiam. Nam si esset ista cognitio iuris magna atque difficilis, tamen utilitatis magnitudo deberet homines ad suscipiendum discendi laborem impellere. Sed, O di immortales, non dicerem hoc, audiente Scaevola, nisi ipse dicere soleret nullius artis faciliorem sibi cognitionem videri. Quod quidem certis de causis a plerisque 186
aliter existimatur; primum, quia veteres illi, qui huic scientiae praefuerunt, obtinendae atque augendae potentiae suae causa pervolgari artem suam noluerunt; deinde, postea quam est editum, expositis a Cn. Flavio primum actionibus, nulli fuerunt, qui illa artificiose digesta generatim componerent. Nihil est enim quod ad artem redigi possit, nisi ille prius, qui illa tenet, quorum artem instituere volt, habet illam scientiam, ut ex eis rebus, quarum ars nondum sit, artem efficere possit. Hoc video, dum breviter volu- 187
erim dicere, dictum a me esse paulo obscurius; sed experiar et dicam, si potero, planius.

42. Omnia fere, quae sunt conclusa nunc artibus, dispersa et dissipata quondam fuerunt; ut in musicis

numeri et voces et modi; in geometria lineamenta, formae, intervalla, magnitudines; in astrologia caeli conversio, ortus, obitus motusque siderum; in grammaticis poëtarum pertractatio, historiarum cognitio, verborum interpretatio, pronuntiandi quidam sonus; in hac denique ipsa ratione dicendi excogitare, ornare, disponere, meminisse, agere *disiecta* quondam
188 omnibus et diffusa late videbantur. Adhibita est igitur ars quaedam extrinsecus ex alio genere quodam, quod sibi totum philosophi adsumunt, quae rem dissolutam divolsamque conglutinaret et ratione quadam constringeret. Sit ergo in iure civili finis hic, legitimae atque usitatae in rebus causisque civium aequa-
189 bilitatis conservatio. Tum sunt notanda genera et ad certum numerum paucitatemque revocanda. Genus autem est id, quod sui similis communione quadam, specie autem differentis, duas aut pluris complectitur partis. Partes autem sunt, quae generibus eis, ex quibus manant, subiciuntur; omniaque, quae sunt vel generum vel partium nomina, definitionibus, quam vim habeant, est exprimendum. Est enim definitio rerum earum, quae sunt eius rei propriae, quam definire volumus, brevis et circumscripta quaedam
190 explicatio. Hisce ego rebus exempla adiungerem, nisi, apud quos haec haberetur oratio, cernerem. Nunc complectar quod proposui brevi. Si enim aut mihi facere licuerit, quod iam diu cogito, aut alius quispiam aut me impedito occuparit aut mortuo effecerit, ut primum omne ius civile in genera digerat, quae perpauca sunt, deinde eorum generum quasi quaedam membra dispertiat, tum propriam cuiusque vim definitione declaret, perfectam artem iuris civilis

habebitis, magis magnam atque uberem, quam difficilem et obscuram. Atque interea tamen, dum 191
haec, quae dispersa sunt, cogantur, vel passim licet carpentem et colligentem undique repleri iusta iuris civilis scientia.

43. Nonne videtis equitem Romanum, hominem acutissimo omnium ingenio, sed minime ceteris artibus eruditum, C. Aculeonem, qui mecum vivit semperque vixit, ita tenere ius civile, ut ei, cum ab hoc discesseritis, nemo de eis, qui peritissimi sunt, anteponatur? Omnia sunt enim posita ante oculos, collo- 192
cata in usu cotidiano, in congressione hominum atque in foro; neque ita multis litteris aut voluminibus magnis continentur. Eadem enim elata sunt primum a pluribus; deinde paucis verbis commutatis etiam ab eisdem scriptoribus scripta sunt saepius.

Accedit vero, quo facilius percipi cognoscique ius 193
civile possit, quod minime plerique arbitrantur, mira quaedam in cognoscendo suavitas et delectatio. Nam, sive quem haec Aeliana studia delectant, plurima est et in omni iure civili et in pontificum libris et in XII tabulis antiquitatis effigies, quod et verborum vetustas prisca cognoscitur et actionum genera quaedam maiorum consuetudinem vitamque declarant; sive quis civilem scientiam consectatur, quam Scaevola non putat oratoris esse propriam, sed cuiusdam ex alio genere prudentiae, totam hanc, descriptis omnibus civitatis utilitatibus ac partibus, XII tabulis contineri videbit; sive quem praepotens ista et gloriosa philosophia delectat — dicam audacius —, hosce habet fontis omnium disputationum suarum, qui iure civili et legibus continentur. Ex his enim et dignitatem 194

maxime expetendam videmus, quoniam virtus et
iustus atque honestus labor honoribus, praemiis,
splendore decoratur, vitia autem hominum atque
fraudes damnis, ignominiis, vinclis, verberibus, ex-
siliis, morte multantur; et docemur non infinitis
concertationumque plenis disputationibus, sed auc-
toritate nutuque legum domitas habere libidines,
coërcere omnis cupiditates, nostra tueri, ab alienis
mentis, oculos, manus abstinere.
195 **44**. Fremant omnes licet, dicam quod sentio: bi-
bliothecas mehercule omnium philosophorum unus
mihi videtur XII tabularum libellus, si quis legum
fontis et capita viderit, et auctoritatis pondere et
196 utilitatis ubertate superare. Ac si nos, id quod
maxime debet, nostra patria delectat, cuius rei tanta
est vis ac tanta natura, ut Ithacam illam in asperrimis
saxulis tamquam nidulum adfixam sapientissimus vir
immortalitati anteponeret, quo amore tandem inflam-
mati esse debemus in eius modi patriam, quae una in
omnibus terris domus est virtutis, imperi, dignitatis?
cuius primum nobis mens, mos, disciplina nota esse
debet, vel quia est patria parens omnium nostrum
vel quia tanta sapientia fuisse in iure constituendo
putanda est, quanta fuit in his tantis opibus imperi
197 comparandis. Percipietis etiam illam ex cognitione
iuris laetitiam et voluptatem, quod, quantum prae-
stiterint nostri maiores prudentia ceteris gentibus,
tum facillime intellegetis, si cum illorum Lycurgo et
Dracone et Solone nostras leges conferre volueritis.
Incredibile est enim, quam sit omne ius civile prae-
ter hoc nostrum inconditum ac paene ridiculum; de
quo multa soleo in sermonibus cotidianis dicere, cum

hominum nostrorum prudentiam ceteris omnibus et maxime Graecis antepono. His ego de causis dixeram, Scaevola, eis, qui perfecti oratores esse vellent, iuris civilis cognitionem esse necessariam.

45. Iam vero ipsa per sese quantum adferat eis, 198
qui ei praesunt, honoris, gratiae, dignitatis, quis ignorat? Itaque, ut apud Graecos infimi homines mercedula adducti ministros se praebent in iudiciis oratoribus, ei, qui apud illos πραγματικοί vocantur, sic in nostra civitate contra amplissimus quisque et clarissimus vir, ut ille, qui propter hanc iuris civilis scientiam sic appellatus a summo poëta est:

Egregie cordatus homo, catus Aelius Sextus,

multique praeterea, qui, cum ingenio sibi auctore dignitatem peperissent, perfecerunt, ut in respondendo iure auctoritate plus etiam, quam ipso ingenio valerent. Senectuti vero celebrandae et ornandae 199
quod honestius potest esse perfugium, quam iuris interpretatio? Equidem mihi hoc subsidium iam inde ab adulescentia comparavi, non solum ad causarum usum forensem, sed etiam ad decus atque ornamentum senectutis, ut, cum me vires, quod fere iam tempus adventat, deficere coepissent, ista ab solitudine domum meam vindicarem. Quid est enim praeclarius, quam honoribus et rei publicae muneribus perfunctum senem posse suo iure dicere idem, quod apud Ennium dicit ille Pythius Apollo, se esse eum, *unde sibi*, si non *populi et reges*, at omnes sui cives *consilium expetant*,

Summárum rerum incérti: quos ego ópe mea
ex incértis certos cómpotesque cónsili
dimítto, ut ne res témere tractent túrbidas.

200 Est enim sine dubio domus iuris consulti totius oraculum civitatis. Testis est huiusce Q. Muci ianua et vestibulum, quod in eius infirmissima valetudine adfectaque iam aetate maxima cotidie frequentia civium ac summorum hominum splendore celebratur.

201 **46**. Iam illa non longam orationem desiderant,
quam ob rem existimem publica quoque iura, quae
sunt propria civitatis atque imperi, tum monumenta
rerum gestarum et vetustatis exempla oratori nota
esse debere. Nam ut in rerum privatarum causis
atque iudiciis depromenda saepe oratio est ex iure
civili et idcirco, ut ante diximus, oratori iuris civilis
scientia necessaria est, sic in causis publicis iudici-
orum, contionum, senatus omnis haec et antiquitatis
memoria et publici iuris auctoritas et regendae rei
publicae ratio ac scientia tamquam aliqua materies
eis oratoribus, qui versantur in re publica, subiecta
202 esse debet. Non enim causidicum nescio quem neque
clamatorem aut rabulam hoc sermone nostro conqui-
rimus, sed eum virum, qui primum sit eius artis
antistes, cuius cum ipsa natura magnam homini
facultatem daret, tamen *largitus* esse deus putatur,
ut id ipsum, quod erat hominis proprium, non
partum per nos, sed divinitus ad nos delatum vide-
retur; deinde, qui possit non tam caduceo quam
nomine oratoris ornatus incolumis vel inter hostium
tela versari; tum, qui scelus fraudemque nocentis
possit dicendo subicere odio civium supplicioque
constringere; idemque ingeni praesidio innocentiam
iudiciorum poena liberare; idemque languentem la-
bentemque populum aut ad decus excitare aut ab

errore deducere aut inflammare in improbos aut incitatum in bonos mitigare; qui denique, quemcumque in animis hominum motum res et causa postulet, eum dicendo vel excitare possit vel sedare. Hanc vim 203
si quis existimat aut ab eis, qui de dicendi ratione scripserunt, expositam esse aut a me posse exponi tam brevi, vehementer errat neque solum inscientiam meam, sed ne rei quidem magnitudinem perspicit. Equidem vobis, quoniam ita voluistis, fontis unde hauriretis, atque itinera ipsa ita putavi esse demonstranda, non ut ipse dux essem, quod et infinitum est et non necessarium, sed ut commonstrarem tantum viam et, ut fieri solet, digitum ad fontis intenderem.

Scaevola seems satisfied with what Crassus has done for the guidance of the younger men; but Sulpicius desires to hear more about methods of study. Crassus turns the question to Antony, who consents to give the results of his observation and experience. §§ 204–208.

47. Mihi vero, inquit Mucius, satis superque abs te 204
videtur istorum studiis, si modo sunt studiosi, esse factum. Nam, ut Socratem illum solitum aiunt dicere perfectum sibi opus esse, si qui satis esset concitatus cohortatione sua ad studium cognoscendae percipiendaeque virtutis; quibus enim id persuasum esset, ut nihil mallent esse se, quam bonos viros, eis reliquam facilem esse doctrinam; sic ego intellego, si in haec, quae patefecit oratione sua Crassus, intrare volueritis, facillime vos ad ea, que cupitis, perventuros ab hoc aditu ianuaque patefacta. Nobis vero, 205
inquit Sulpicius, ista sunt pergrata perque iucunda; sed pauca etiam requirimus in primisque ea, quae

valde breviter a te, Crasse, de ipsa arte percursa sunt, cum illa te et non contemnere et didicisse confiterere. Ea si paulo latius dixeris, expleris omnem exspectationem diuturni desideri nostri. Nam nunc quibus studendum rebus esset accepimus, quod ipsum est tamen magnum; sed vias earum rerum rationemque
206 cupimus cognoscere. Quid, si, inquit Crassus, quoniam ego, quo facilius vos apud me tenerem, vestrae potius obsecutus sum voluntati, quam aut consuetudini aut naturae meae, petimus ab Antonio, ut ea, quae continet neque adhuc protulit, ex quibus unum libellum sibi excidisse iam dudum questus est, explicet nobis et illa dicendi mysteria enuntiet? Ut videtur, inquit Sulpicius; nam Antonio dicente, etiam
207 quid tu intellegas, sentiemus. Peto igitur, inquit Crassus, a te, quoniam id nobis, Antoni, hominibus id aetatis, oneris ab horum adulescentium studiis imponitur, ut exponas quid eis de rebus, quas a te quaeri vides, sentias.

48. Deprehensum equidem me, inquit Antonius, plane video atque sentio, non solum quod ea requiruntur a me, quorum sum ignarus atque insolens, sed quia, quod in causis valde fugere soleo, ne tibi, Crasse, succedam, id me nunc isti vitare non sinunt.
208 Verum hoc ingrediar ad ea, quae vultis, audacius, quod idem mihi spero usu esse venturum in hac disputatione, quod in dicendo solet, ut nulla exspectetur ornata oratio. Neque enim sum de arte dicturus, quam numquam didici, sed de mea consuetudine; ipsaque illa, quae in commentarium meum rettuli, sunt eius modi, non aliqua mihi doctrina tradita, sed in rerum usu causisque tractata; quae si vobis,

hominibus eruditissimis, non probabuntur, vestram iniquitatem accusatote, qui ex me ea quaesieritis, quae ego nescirem, meam facilitatem laudatote, cum vobis non meo iudicio, sed vestro studio inductus non gravate respondero.

Antony illustrates the importance of accurate definition, and insists that the one which Crassus has given of the orator is far too comprehensive. It is not necessary for a statesman to be an orator, but one man may be both. §§ 209–218.

Tum Crassus, pergo modo, inquit, Antoni; nullum 209
est enim periculum, ne quid tu eloquare nisi ita prudenter, ut neminem nostrum poeniteat ad hunc te sermonem impulisse.

Ego vero, inquit, pergam et id faciam, quod in principio fieri in omnibus disputationibus oportere censeo, ut, quid illud sit, de quo disputetur, explanetur, ne vagari et errare cogatur oratio, si ei, qui inter se dissenserint, non idem [esse] illud, quo de agitur,
intellegant. Nam si forte quaereretur quae esset ars 210
imperatoris, constituendum putarem principio quis esset imperator; qui cum esset constitutus administrator quidam belli gerendi, tum adiungeremus de exercitu, de castris, de agminibus, de signorum collationibus, de oppidorum oppugnationibus, de commeatu, de insidiis faciendis atque vitandis, de reliquis rebus, quae essent propriae belli administrandi; quarum qui essent animo et scientia compotes, eos esse imperatores dicerem, utererque exemplis Africanorum et Maximorum, Epaminondam atque Hanni-
balem atque eius generis homines nominarem. Sin 211
autem quaereremus quis esset is, qui ad rem publicam

moderandam usum et scientiam et studium suum
contulisset, definirem hoc modo; qui quibus rebus
utilitas rei publicae pareretur augereturque teneret
eisque uteretur, hunc rei publicae rectorem et consili
publici auctorem esse habendum, praedicaremque P.
Lentulum principem illum et Ti. Gracchum patrem
et Q. Metellum et P. Africanum et C. Laelium et innu-
merabilis alios cum ex nostra civitate tum ex ceteris.
212 Sin autem quaereretur quisnam iuris consultus vere
nominaretur, eum dicerem, qui legum et consuetudi-
nis eius, qua privati in civitate uterentur, et ad
respondendum et ad agendum et ad cavendum peritus
esset, et ex eo genere Sex. Aelium, M.' Manilium,
P. Mucium nominarem.

49. Atque, ut iam ad leviora artium studia veniam,
si musicus, si grammaticus, si poëta quaeratur, possim
similiter explicare, quid eorum quisque profiteatur
et quo non amplius ab quoque sit postulandum.
Philosophi denique ipsius, qui de sua vi ac sapientia
unus omnia paene profitetur, est tamen quaedam de-
scriptio, ut is, qui studeat omnium rerum divinarum
atque humanarum vim, naturam causasque nosse et
omnem bene vivendi rationem tenere et persequi,
213 nomine hoc appelletur. Oratorem autem, quoniam
de eo quaerimus, equidem non facio eundem, quem
Crassus, qui mihi visus est omnem omnium rerum
atque artium scientiam comprehendere uno oratoris
officio ac nomine; atque eum puto esse, qui et verbis
ad audiendum iucundis et sententiis ad probandum
accommodatis uti possit in causis forensibus atque
communibus. Hunc ego appello oratorem eumque
esse praeterea instructum voce et actione et lepore

quodam volo. Crassus vero mihi noster visus est 214
oratoris facultatem non illius artis terminis, sed
ingeni sui finibus immensis paene describere. Nam
et civitatum regendarum oratori gubernacula senten-
tia sua tradidit, in quo per mihi mirum visum est,
Scaevola, te hoc illi concedere, cum saepissime tibi
senatus breviter impoliteque dicenti maximis sit de
rebus adsensus. M. vero Scaurus, quem non longe
ruri apud se esse audio, vir regendae rei publicae
scientissimus, si audierit hanc auctoritatem gravitatis
et consili sui vindicari a te, Crasse, quod eam oratoris
propriam esse dicas, iam, credo, huc veniat et hanc
loquacitatem nostram voltu ipso aspectuque conter-
reat; qui quamquam est in dicendo minime contem-
nendus, prudentia tamen rerum magnarum magis
quam dicendi arte nititur. Neque vero, si quis 215
utrumque potest, aut ille consili publici auctor ac
senator bonus ob eam ipsam causam orator est aut
hic disertus atque eloquens, si est idem in procura-
tione civitatis egregius, illam scientiam dicendi copia
est consecutus. Multum inter se distant istae facul-
tates longeque sunt diversae atque seiunctae neque
eadem ratione ac via M. Cato, P. Africanus, Q. Metel-
lus, C. Laelius, qui omnes eloquentes fuerunt, orati-
onem suam et rei publicae dignitatem exornabant.

50. Neque enim est interdictum aut a rerum natura
aut a lege aliqua atque more, ut singulis hominibus
ne amplius quam singulas artis nosse liceat. Quare 216
non, si eloquentissimus Athenis Pericles idemque in
ea civitate plurimos annos princeps consili publici
fuit, idcirco eiusdem hominis atque artis utraque
facultas existimanda est, nec, si P. Crassus idem fuit

eloquens et iuris peritus, ob eam causam inest in
217 facultate dicendi iuris civilis scientia. Nam si, ut quisque in aliqua arte et facultate excellens aliam quoque artem sibi adsumpserit, is perficiet, ut, quod praeterea sciet, id eius, in quo excellet, pars quaedam esse videatur, licet ista ratione dicamus pila bene et duodecim scriptis ludere proprium esse iuris civilis, quoniam utrumqne eorum P. Mucius optime fecerit, eademque ratione dicantur ei, quos φυσικούς Graeci nominant, eidem poëtae, quoniam Empedocles physicus egregium poëma fecerit. At hoc ne philosophi quidem ipsi, qui omnia, sicut propria, sua esse atque a se possideri volunt, dicere audent, geometriam aut musicam philosophi esse, quia Platonem omnes in
218 illis artibus praestantissimum fuisse fateantur. Ac si iam placet omnis artis oratori subiungere, tolerabilius est sic potius dicere, ut, quoniam dicendi facultas non debeat esse ieiuna atque nuda, sed aspersa atque distincta multarum rerum iucunda quadam varietate, sit boni oratoris multa auribus accepisse, multa vidisse, multa animo et cogitatione, multa etiam legendo percucurrisse, neque ea ut sua possedisse, sed ut aliena libasse. Fateor enim callidum quendam hunc et nulla in re tironem ac rudem nec peregrinum atque hospitem in agendo esse debere.

The orator does not require speculative philosophical studies, but a thorough practical knowledge of human nature. Antony illustrates by the cases of Rutilius Rufus and Socrates. §§ 219–233.

219 **51.** Neque vero istis tragoediis tuis, quibus uti philosophi maxime solent, Crasse, perturbor, quod ita

dixisti, neminem posse eorum mentis, qui audirent, aut inflammare dicendo aut inflammatas restinguere, cum eo maxime vis oratoris magnitudoque cernatur, nisi qui rerum omnium naturam, mores hominum atque rationes penitus perspexerit, in quo philosophia sit oratori necessario percipienda; quo in studio hominum quoque ingeniosissimorum otiosissimorumque totas aetates videmus esse contritas; quorum ego copiam magnitudinemque cognitionis atque artis non modo non contemno, sed etiam vehementer admiror; nobis tamen, qui in hoc populo foroque versamur, satis est ea de motibus animorum et scire et dicere,
quae non abhorrent ab hominum moribus. Quis 220
enim umquam orator magnus et gravis, cum iratum adversario iudicem facere vellet, haesitavit ob eam causam, quod nesciret, quid esset iracundia, fervorne mentis an cupiditas puniendi doloris? Quis, cum ceteros animorum motus aut iudicibus aut populo dicendo miscere atque agitare vellet, ea dixit, quae a philosophis dici solent? qui partim omnino motus negant in animis ullos esse debere, quique eos in iudicum mentibus concitent, scelus eos nefarium facere; partim, qui tolerabiliores volunt esse et ad veritatem vitae propius accedere, permediocris ac
potius levis motus debere esse dicunt. Orator autem 221
omnia haec, quae putantur in communi vitae consuetudine mala ac molesta et fugienda, multo maiora et acerbiora verbis facit; itemque ea, quae volgo expetenda atque optabilia videntur, dicendo amplificat atque ornat, neque volt ita sapiens inter stultos videri, ut ei, qui audiant, aut illum ineptum et Graeculum putent, aut, etiamsi valde probent ingenium,

oratoris sapientiam admirentur, se esse stultos mo-
222 leste ferant, sed ita peragrat per animos, ita sensus hominum mentisque pertractat, ut non desideret philosophorum descriptiones neque exquirat oratione, summum illud bonum in animone sit an in corpore, virtute an voluptate definiatur; an haec inter se iungi copularique possint; an vero, ut quibusdam visum, nihil certum sciri, nihil plane cognosci et percipi possit. Quarum rerum fateor magnam multiplicemque esse disciplinam et multas, copiosas variasque rationes; sed aliud quiddam, longe aliud, Crasse,
223 quaerimus. Acuto homine nobis opus est et natura usuque callido, qui sagaciter pervestiget, quid sui cives eique homines, quibus aliquid dicendo persuadere velit, cogitent, sentiant, opinentur, exspectent.

52. Teneat oportet venas cuiusque generis, aetatis, ordinis, et eorum, apud quos aliquid aget aut erit
224 acturus, mentis sensusque degustet; philosophorum autem libros reservet sibi ad huiusce modi Tusculani requiem atque otium, ne, si quando ei dicendum erit de iustitia et fide, mutuetur a Platone; qui, cum haec exprimenda verbis arbitraretur, novam quandam finxit in libris civitatem; usque eo illa, quae dicenda de iustitia putabat, a vitae consuetudine et a civita-
225 tum moribus abhorrebant. Quodsi ea probarentur in populis atque in civitatibus, quis tibi, Crasse, concessisset, clarissimo viro et amplissimo, principi civitatis, ut illa diceres in maxima contione tuorum civium, quae dixisti? Eripite nos ex miseriis, eripite ex faucibus eorum, quorum crudelitas nisi nostro sanguine non potest ex-

pleri; nolite sinere nos cuiquam servire, nisi vobis universis, quibus et possumus et debemus. Omitto miserias, in quibus, ut illi aiunt, vir fortis esse non potest; omitto faucis, ex quibus te eripi vis, ne iudicio iniquo exsorbeatur sanguis tuus, quod sapienti negant accidere posse: servire vero non modo te, sed universum senatum, cuius tum causam agebas, ausus es dicere? Potestne 226
virtus, Crasse, servire istis auctoribus, quorum tu praecepta oratoris facultate complecteris? quae et semper et sola libera est quaeque, etiamsi corpora capta sint armis aut constricta vinculis, tamen suum ius atque omnium rerum impunitam libertatem tenere debeat. Quae vero addidisti, non modo senatum servire posse populo, sed etiam debere, quis hoc philosophus tam mollis, tam languidus, tam enervatus, tam omnia ad voluptatem corporis doloremque referens probare posset, senatum servire populo, cui populus ipse moderandi et regendi sui potestatem quasi quasdam habenas tradidisset?

53. Itaque haec cum a te divinitus ego dicta arbi- 227
trarer, P. Rutilius Rufus, homo doctus et philosophiae deditus, non modo parum commode, sed etiam turpiter et flagitiose dicta esse dicebat. Idemque Servium Galbam, quem hominem probe commeminisse se aiebat, pergraviter reprehendere solebat, quod is, L. Scribonio quaestionem in eum ferente, populi misericordiam concitasset, cum M. Cato, Galbae gravis atque acer inimicus, aspere apud populum Romanum et vehementer esset locutus, quam orationem in Originibus suis exposuit ipse. Reprehendebat igitur 228
Galbam Rutilius, quod is C. Sulpici Galli propinqui

sui Q. pupillum filium ipse paene in umeros suos extulisset, qui patris clarissimi recordatione et memoria fletum populo moveret, et duos filios suos parvos tutelae populi commendasset ac se, tamquam in procinctu testamentum faceret sine libra atque tabulis, populum Romanum tutorem instituere dixisset illorum orbitati. Itaque cum et invidia et odio populi tum Galba premeretur, hisce eum tragoediis liberatum ferebat; quod item apud Catonem scriptum esse video, nisi pueris et lacrimis usus esset, poenas eum daturum fuisse. Haec Rutilius valde vituperabat et huic humilitati dicebat vel
229 exsilium fuisse vel mortem anteponendam. Neque vero hoc solum dixit, sed ipse et sensit et fecit. Nam cum esset ille vir exemplum, ut scitis, innocentiae cumque illo nemo neque integrior esset in civitate neque sanctior, non modo supplex iudicibus esse noluit, sed ne ornatius quidem aut liberius causam dici suam, quam simplex ratio veritatis ferebat. Paulum huic Cottae tribuit partium, disertissimo adulescenti, sororis suae filio. Dixit item causam illam quadam ex parte Q. Mucius, more suo, nullo
230 apparatu, pure et dilucide. Quodsi tu tunc, Crasse, dixisses, qui subsidium oratori ex illis disputationibus, quibus philosophi utuntur, ad dicendi copiam petendum esse paulo ante dicebas; et, si tibi pro P. Rutilio non philosophorum more, sed tuo licuisset dicere, quamvis scelerati illi fuissent, sicuti fuerunt, pestiferi cives supplicioque digni, tamen omnem eorum importunitatem ex intimis mentibus evellisset vis orationis tuae; nunc talis vir amissus est, dum causa ita dicitur, ut si in illa commenticia Platonis

civitate res ageretur. Nemo ingemuit, nemo inclamavit patronorum, nihil cuiquam doluit, nemo est questus, nemo rem publicam imploravit, nemo supplicavit. Quid multa? pedem nemo in illo iudicio supplosit, credo, ne Stoicis renuntiaretur.

54. Imitatus est homo Romanus et consularis vete- 231
rem illum Socratem, qui, cum omnium sapientissimus esset sanctissimeque vixisset, ita in iudicio capitis pro se ipse dixit, ut non supplex aut reus, sed magister aut dominus videretur esse iudicum. Quin etiam, cum ei scriptam orationem disertissimus orator Lysias attulisset, quam, si ei videretur, edisceret, ut ea pro se in iudicio uteretur, non invitus legit et commode scriptam esse dixit; sed, inquit, ut si mihi calceos Sicyonios attulisses, non uterer, quamvis essent habiles et apti ad pedem, quia non essent viriles, sic illam orationem disertam sibi et oratoriam videri, fortem et virilem non videri. Ergo ille quoque damnatus est, neque solum primis sententiis, quibus tantum statuebant iudices, damnarent an absolverent, sed etiam illis, quas iterum legibus ferre
debebant. Erat enim Athenis reo damnato si fraus 232
capitalis non esset, quasi poenae aestimatio; et sententia cum iudicibus daretur, interrogabatur reus, quam [quasi aestimationem] commeruisse se maxime confiteretur; quod cum interrogatus Socrates esset, respondit sese meruisse, ut amplissimis honoribus et praemiis decoraretur et ut ei victus cotidianus in Prytaneo publice praeberetur, qui honos apud Grae-
cos maximus habetur. Cuius responso iudices sic 233
exarserunt, ut capitis hominem innocentissimum condemnarent. Qui quidem si absolutus esset, quod

mehercule, etiamsi nihil ad nos pertinet, tamen propter eius ingeni magnitudinem vellem, quonam modo istos philosophos ferre possemus, qui nunc, cum ille damnatus est, nullam aliam ob culpam nisi propter dicendi inscientiam, tamen a se oportere dicunt peti praecepta dicendi? Quibuscum ego non pugno, utrum sit melius aut verius; tantum dico et aliud illud esse atque hoc et hoc sine illo summum esse posse.

Nor is a knowledge of the civil law indispensable to the orator. Eloquence and a telling humor surpass legal knowledge in the practical conduct of cases. §§ 234–245.

234 **55**. Nam quod ius civile, Crasse, tam vehementer amplexus es, video quid egeris; tum, cum dicebas, videbam. Primum Scaevolae te dedisti, quem omnes amare meritissimo pro eius eximia suavitate debemus; cuius artem cum indotatam esse et incomptam videres, verborum eam dote locupletasti et ornasti. Deinde quod in ea tu plus operae laborisque consumpseras, cum eius studi tibi et hortator et magister esset domi, veritus es, nisi istam artem oratione
235 exaggerasses, ne operam perdidisses. Sed ego ne cum ista quidem arte pugno. Sit sane tanta, quantam tu illam esse vis. Etenim sine controversia et magna est et late patet et ad multos pertinet et summo in honore semper fuit et clarissimi cives ei studio etiam hodie praesunt; sed vide, Crasse, ne, dum novo et alieno ornatu velis ornare iuris civilis scientiam, suo quoque eam concesso et tradito spolies
236 atque denudes. Nam, si ita diceres, qui iuris consultus esset, esse eum oratorem, itemque qui esset orator, iuris eundem esse consultum, praeclaras duas

artis constitueres atque inter se paris et eiusdem socias dignitatis. Nunc vero iuris consultum sine hac eloquentia, de qua quaerimus, fateris esse posse fuisseque plurimos; oratorem negas, nisi illam scientiam adsumpserit, esse posse. Ita est tibi iuris consultus ipse per se nihil nisi leguleius quidam cautus et acutus, praeco actionum, cantor formularum, auceps syllabarum; sed quia saepe utitur orator subsidio iuris in causis, idcirco istam iuris scientiam eloquentiae tamquam ancillulam pedisequamque adiunxisti.

56. Quod vero impudentiam admiratus es eorum 237
patronorum, qui aut, cum parva nescirent, magna profiterentur, aut ea, quae maxima essent in iure civili, tractare auderent in causis, cum ea nescirent numquamque didicissent, utriusque rei facilis est et prompta defensio. Nam neque illud est mirandum, qui, quibus verbis coëmptio fiat, nesciat, eundum eius mulieris, quae coëmptionem fecerit, causam posse defendere; nec, si parvi navigi et magni eadem est in gubernando scientia, idcirco qui, quibus verbis herctum cieri oporteat, nesciat, idem herciscundae familiae causam agere non possit. Nam quod maxi- 238
mas centumviralis causas in iure positas protulisti, quae tandem earum causa fuit, quae ab homine eloquenti, iuris imperito, non ornatissime potuerit dici? Quibus quidem in causis omnibus, sicut in ipsa M'. Curi, quae abs te nuper est dicta, et in C. Hostili Mancini controversia atque in eo puero, qui ex altera natus erat uxore, non remisso nuntio superiori, fuit inter peritissimos homines summa de iure dissensio.
Quaero igitur quid adiuverit oratorem in his causis 239

iuris scientia, cum hic iuris consultus superior fuerit discessurus, qui esset non suo artificio, sed alieno, hoc est, non iuris scientia, sed eloquentia sustentatus. Equidem hoc saepe audivi, cum aedilitatem P. Crassus peteret eumque maior natu et iam consularis Ser. Galba adsectaretur, quod Crassi filiam C. filio suo despondisset, accessisse ad Crassum consulendi causa quendam rusticanum, qui cum Crassum seduxisset atque ad eum rettulisset, responsumque ab eo verum, magis quam ad suam rem accommodatum abstulisset, ut eum tristem Galba vidit, nomine appellavit quaesivitque qua de re ad Crassum rettulisset. Ex quo ut audivit, commotumque ut vidit hominem, suspenso, inquit, animo et occupato Crassum tibi respondisse video; deinde ipsum Crassum manu prehendit, et heus tu, inquit, quid tibi in mentem
240 venit ita respondere? Tum ille fidenter, homo peritissimus, confirmare ita se rem habere, ut respondisset, nec dubium esse posse. Galba autem adludens varie et copiose multas similitudines adferre multaque pro aequitate contra ius dicere; atque illum, cum disserendo par esse non posset — quamquam fuit Crassus in numero disertorum, sed par Galbae nullo modo — ad auctores confugisse, et id, quod ipse diceret, et in P. Muci fratris sui libris et in Sex. Aeli commentariis scriptum protulisse, ac tamen concessisse Galbae disputationem sibi probabilem et prope veram videri.

241 57. Et enim, quae causae sunt eiusmodi, ut de earum iure dubium esse non possit, omnino in iudicium vocari non solent. Num quis eo testamento, quod pater familias ante fecit, quam ei filius natus

esset, hereditatem petit? Nemo; quia constat agnascendo rumpi testamentum. Ergo in hoc genere iuris iudicia nulla sunt. Licet igitur impune oratori omnem hanc partem iuris sine controversiis ignorare,
quae pars sine dubio multo maxima est; in eo autem 242
iure, quod ambigitur inter peritissimos, non est difficile oratori eius partis, quamcumque defendet, auctorem aliquem invenire; a quo cum amentatas hastas acceperit, ipse eas oratoris lacertis viribusque torquebit. Nisi vero — bona venia huius optimi viri dixerim — Scaevolae tu libellis aut praeceptis soceri tui causam M'. Curi defendisti, non adripuisti patrocinium aequitatis et defensionem testamentorum ac
voluntatis mortuorum. Ac mea quidem sententia — 243
frequens enim te audivi atque adfui — multo maiorem partem sententiarum sale tuo et lepore et politissimis facetiis pellexisti, cum et illud nimium acumen illuderes et admirarere ingenium Scaevolae, qui excogitasset nasci prius opertere quam emori; cumque multa colligeres et ex legibus et ex senatus consultis, et ex vita ac sermone communi non modo acute, sed etiam ridicule ac facete, ubi si verba, non rem sequeremur, confici nihil posset. Itaque hilaritatis plenum iudicium ac laetitiae fuit; in quo quid tibi iuris civilis exercitatio profuerit non intellego; dicendi vis egregia summa festivitate et venustate coniuncta
profuit. Ipse ille Mucius paterni iuris defensor et 244
quasi patrimoni propugnator sui, quid in illa causa, cum contra te diceret, attulit, quod de iure civili depromptum videretur? quam legem recitavit? quid patefecit dicendo, quod fuisset imperitis occultius? Nempe eius omnis oratio versata est in eo, ut scrip-

245 tum plurimum valere oportere defenderet. At in hoc genere pueri apud magistros exercentur omnes, cum in eius modi causis alias scriptum, alias aequitatem defendere docentur. Et, credo, in illa militis causa, si tu aut heredem aut militem defendisses, ad Hostilianas te actiones, non ad tuam vim et oratoriam facultatem contulisses. Tu vero, vel si testamentum defenderes, sic ageres, ut omne omnium testamentorum ius in eo iudicio positum videretur, vel si causam ageres militis, patrem eius, ut soles, dicendo a mortuis excitasses; statuisses ante oculos; complexus esset filium, flensque eum centumviris commendasset; lapides mehercule omnis flere ac lamentari coëgisses, ut totum illud UTI LINGUA NUNCUPASSIT non in XII tabulis, quas tu omnibus bibliothecis anteponis, sed in magistri carmine scriptum videretur.

Antony argues against the several points of Crassus — the ease of legal studies, the pleasures they afford, their relations to patriotism, to morals, and that they are a solace to old age. He contends that the orator always has access to authorities, and while every branch of knowledge may have its advantages, the orator need not pursue them with the thoroughness of the specialist. He should apply himself to the art of persuading, making Demosthenes his model. §§ 246–262.

246 **58.** Nam quod inertiam accusas adulescentium, qui istam artem primum facillimam non ediscant, [quae] quam sit facilis, illi viderint, qui eius artis adrogantia, quasi difficillima sit, ita subnixi ambulant, deinde etiam tu ipse videris, qui eam artem facilem esse dicis, quam concedis adhuc artem omnino non esse,

sed aliquando, si quis aliam artem didicerit, ut hanc
artem efficere possit, tum esse illam artem futuram;
deinde, quod sit plena delectationis; in quo tibi
remittunt omnes istam voluptatem et ea se carere
patiuntur, nec quisquam est eorum, qui, si iam sit
ediscendum sibi aliquid, non Teucrum Pacuvi malit
quam Manilianas venalium vendendorum leges edis-
cere; tum autem quod amore patriae censes nos 247
nostrorum maiorum inventa nosse debere, non vides
veteres leges aut ipsas sua vetustate consenuisse aut
novis legibus esse sublatas? Quod vero viros bonos
iure civili fieri putas, quia legibus et praemia pro-
posita sint virtutibus et supplicia vitiis, equidem
putabam virtutem hominibus, si modo tradi ratione
possit, instituendo et persuadendo, non minis et vi ac
metu tradi. Nam ipsum quidem illud etiam sine
cognitione iuris, quam sit bellum cavere malum, scire
possumus. De me autem ipso, cui uni tu concedis, 248
ut sine ulla iuris scientia tamen causis satis facere
possim, tibi hoc, Crasse, respondeo, neque me um-
quam ius civile didicisse neque tamen in eis causis,
quas in iure possem defendere, umquam istam scien-
tiam desiderasse. Aliud est enim esse artificem
cuiusdam generis atque artis, aliud in communi vita
et vulgari hominum consuetudine nec hebetem nec
rudem. Cui nostrum licet fundos nostros obire aut 249
res rusticas vel fructus causa vel delectationis in-
visere? tamen nemo tam sine oculis, tam sine mente
vivit, ut quid sit sementis ac messis, quid arborum
putatio ac vitium, quo tempore anni aut quo modo ea
fiant omnino nesciat. Num igitur si qui fundus in-
spiciendus aut si mandandum aliquid procuratori de

agri cultura aut imperandum vilico est, Magonis
Karthaginiensis sunt libri perdiscendi? An hac
communi intellegentia contenti esse possumus? Cur
ergo non eidem in iure civili, praesertim cum in
causis et in negotiis et in foro conteramur, satis
instructi esse possumus ad hoc dumtaxat, ne in
nostra patria peregrini atque advenae esse videamur?
250 Ac si iam sit causa aliqua ad nos delata obscurior,
difficile, credo, sit cum hoc Scaevola communicare;
quamquam ipsi omnia, quorum negotium est, consulta
ad nos et exquisita deferunt. An vero, si de re ipsa,
si de finibus, cum in rem praesentem venimus, si de
tabulis et perscriptionibus controversia est, contortas
res et saepe difficilis necessario perdiscimus: si leges
nobis aut si hominum peritorum responsa cogno-
scenda sunt, veremur ne ea, si ab adulescentia iuri
civili minus studuerimus, non queamus cognoscere?

59. Nihilne igitur prodest oratori iuris civilis sci-
entia? Non possum negare prodesse ullam scien-
tiam, ei praesertim, cuius eloquentia copia rerum
debeat esse ornata; sed multa et magna et difficilia
sunt ea, quae sunt oratori necessaria, ut eius indu-
251 striam in plura studia distrahere nolim. Quis neget
opus esse oratori in hoc oratorio motu statuque
Rosci gestum et venustatem? Tamen nemo suaserit
studiosis dicendi adulescentibus in gestu discendo
histrionum more elaborare. Quid est oratori tam
necessarium quam vox? Tamen me auctore nemo
dicendi studiosus Graecorum more tragoedorum voci
serviet, qui et annos compluris sedentes declamitant,
et cotidie, ante quam pronuntient, vocem cubantes
sensim excitant, eandemque, cum egerunt sedentes ab

acutissimo sono usque ad gravissimum sonum recipi-
unt et quasi quodam modo colligunt. Hoc nos si
facere velimus, ante condemnentur ei, quorum causas
receperimus, quam totiens, quotiens praescribitur,
paeanem aut hymnum recitarimus. Quod si in gestu, 252
qui multum oratorem adiuvat, et in voce, quae una
maxime eloquentiam vel commendat vel sustinet,
elaborare nobis non licet ac tantum in utroque adse-
qui possumus, quantum in hac acie cotidiani muneris
spati nobis datur: quanto minus est ad iuris civilis
perdiscendi occupationem descendendum? quod et
summatim percipi sine doctrina potest, et hanc habet
ab illis rebus dissimilitudinem, quod vox et gestus
subito sumi et aliunde adripi non potest, iuris utilitas
ad quamque causam quamvis repente vel a peritis vel
de libris depromi potest. Itaque illi disertissimi 253
homines ministros habent in causis iuris peritos, cum
ipsi sint *im*peritissimi, *ei* qui, ut abs te paulo ante
dictum est, p r a g m a t i c i vocantur. In quo nostri
omnino melius multo, quod clarissimorum hominum
auctoritate leges et iura tecta esse voluerunt. Sed
tamen non fugisset hoc Graecos homines, si ita
necesse esse arbitrati essent, oratorem ipsum erudire
in iure civili, non ei pragmaticum adiutorem dare.

60. Nam quod dicis senectutem a solitudine vindi- 254
cari iuris civilis scientia, fortasse etiam pecuniae
magnitudine. Sed nos non quid nobis utile, verum
quid oratori necessarium sit quaerimus. Quamquam,
quoniam multa ad oratoris similitudinem ab uno
artifice sumimus, solet idem Roscius dicere se, quo
plus sibi aetatis accederet, eo tardiores tibicinis
modos et cantus remissiores esse facturum. Quodsi

ille astrictus certa quadam numerorum moderatione et pedum, tamen aliquid ad requiem senectutis excogitat, quanto facilius nos non laxare modos, sed
255 totos mutare possumus? Neque enim hoc te, Crasse, fallit, quam multa sint et quam varia genera dicendi, id quod haud sciam an tu primus ostenderis, qui iam diu multo dicis remissius et lenius, quam solebas; neque minus haec tamen tua gravissimi sermonis lenitas, quam illa summa vis et contentio probatur; multique oratores fuerunt, ut illum Scipionem audimus et Laelium, qui omnia sermone conficerent paulo intentiore, numquam, ut Ser. Galba, lateribus aut clamore contenderent. Quod si iam hoc facere non poteris aut noles, vereris ne tua domus talis et viri et civis, si a litigiosis hominibus non colatur, a ceteris deseratur? Equidem tantum absum ab ista sententia, ut non modo non arbitrer subsidium senectutis in eorum, qui consultum veniant, multitudine esse ponendum, sed tamquam portum aliquem exspectem istam, quam tu times, solitudinem. Subsidium enim bellissimum existimo esse senectuti otium.

256 Reliqua vero etiamsi adiuvant, historiam dico et prudentiam iuris publici et antiquitatis memoriam et exemplorum copiam, si quando opus erit, a viro optimo et istis rebus instructissimo, familiari meo, Congo mutuabor. Neque repugnabo, quo minus, id quod modo hortatus es, omnia legant, omnia audiant, in omni recto studio atque humanitate versentur; sed mehercule non ita multum spati mihi habere videntur, si modo ea facere et persequi volent, quae a te, Crasse, praecepta sunt; qui mihi prope iam nimis duras leges imponere visus es huic aetati, sed tamen

ad id, quod cupiunt, adipiscendum prope necessarias.
Nam et subitae ad propositas causas exercitationes et 257
accuratae ac meditatae commentationes ac stilus ille
tuus, quem tu vere dixisti perfectorem dicendi esse
ac magistrum, multi sudoris est; et illa orationis
suae cum scriptis alienis comparatio et de alieno
scripto subita vel laudandi vel vituperandi vel com-
probandi vel refellendi causa disputatio non mediocris
contentionis est vel ad memoriam vel ad imitandum.

61. Illud vero fuit horribile, quod mehercule 258
vereor ne maiorem vim ad deterrendum habuerit
quam ad cohortandum. Voluisti enim in suo genere
unum quemque nostrum quasi quendam esse Rosci-
um; dixistique non tam ea, quae recta essent, pro-
bari, quam quae prava, fastidiis adhaerescere; quod
ego non tam fastidiose in nobis quam in histrionibus
spectari puto. Itaque nos raucos saepe attentissime 259
audiri video; tenet enim res ipsa atque causa; at
Aesopum, si paulum irrauserit, explodi. A quibus
enim nihil praeter voluptatem aurium quaeritur, in
eis offenditur, simul atque imminuitur aliquid de
voluptate: in eloquenti autem multa sunt quae tene-
ant, quae si omnia summa non sunt et pleraque
tamen magna sunt, necesse est ea ipsa, quae sunt,
mirabilia videri.

Ergo, ut ad primum illud revertar, sit orator nobis 260
is, qui, ut Crassus descripsit, accommodate ad persua-
dendum possit dicere. Is autem concludatur in ea,
quae sunt in usu civitatum vulgari ac forensi, remo-
tisque ceteris studiis, quamvis ea sint ampla atque
praeclara, in hoc uno opere, ut ita dicam, noctis et
dies urgeatur; imiteturque illum, cui sine dubio

summa vis dicendi conceditur, Atheniensem Demosthenem, in quo tantum studium fuisse tantusque labor dicitur, ut primum impedimenta naturae diligentia industriaque superaret; cumque ita balbus esset, ut eius ipsius artis, cui studeret, primam litteram non posset dicere, perfecit meditando, ut nemo
261 planius esse locutus putaretur; deinde cum spiritus eius esset angustior, tantum continenda anima in dicendo est adsecutus, ut una continuatione verborum, id quod eius scripta declarant, binae ei contentiones vocis et remissiones continerentur; qui etiam, ut memoriae proditum est, coniectis in os calculis summa voce versus multos uno spiritu pronuntiare consuescebat; neque is consistens in loco, sed inam-
262 bulans atque ascensu ingrediens arduo. Hisce ego cohortationibus, Crasse, ad studium et ad laborem incitandos iuvenes vehementer adsentior; cetera, quae collegisti ex variis et diversis studiis et artibus, tametsi ipse es omnia consecutus, tamen ab oratoris proprio officio atque munere seiuncta esse arbitror.

62. Haec cum Antonius dixisset, sane dubitare visus est Sulpicius et Cotta, utrius oratio propius ad veritatem videretur accedere.

Crassus insists upon his high ideal, the adornment of the profession with great attainments as well as great gifts, and proposes a discussion more in detail on the next day. §§ 263–265.

263 Tum Crassus, operarium nobis quendam, Antoni, oratorem facis atque haud scio an aliter sentias et utare tua illa mirifica ad refellendum consuetudine, qua tibi nemo umquam praestitit; cuius quidem

ipsius facultatis exercitatio oratorum propria est, sed iam in philosophorum consuetudine versatur maximeque eorum, qui de omni re proposita in utramque partem solent copiosissime dicere. Verum ego non 264
solum arbitrabar, his praesertim audientibus, a me informari oportere qualis esse posset is, qui habitaret in subselliis neque quicquam amplius adferret, quam quod causarum necessitas postularet; sed maius quiddam videbam, cum censebam oratorem, praesertim in nostra re publica, nullius ornamenti expertem esse oportere. Tu autem, quoniam exiguis quibusdam finibus totum oratoris munus circumdedisti, hoc facilius nobis expones ea, quae abs te de officiis praeceptisque oratoris quaesita sunt; sed opinor secundum hunc diem. Satis enim multa a nobis hodie dicta sunt. Nunc et Scaevola, quoniam in 265
Tusculanum ire constituit, paulum requiescet, dum se calor frangat, et nos ipsi, quoniam id temporis est, valetudini demus operam. Placuit sic omnibus. Tum Scaevola, sane, inquit, vellem non constituissem in Tusculanum me hodie venturum esse L. Aelio. Libenter audirem Antonium. Et, cum exsurgeret, simul adridens, neque enim, inquit, tam mihi molestus fuit, quod ius nostrum civile pervellit, quam iucundus, quod se id nescire confessus est.

NOTES.

In the references to grammars, A. = Allen and Greenough; G. = Gildersleeve; H. = Harkness; M. = Madvig (Amer. ed., Ginn Bros., 1871); R. = Roby. There are occasional references to Ramsay's Manual of Roman Antiquities (Ram.) and to Mommsen's History of Rome (Mom.). In the case of the last, use has been made of Scribner's American edition (1875) as more convenient for most students.

1. 1. **Cogitanti . . . repetenti**: *thinking over the past and recalling it in memory, as I often do.* For the expression, cf. 2, 6; and Lael. 8, 26: *saepissime igitur mihi de amicitia cogitanti maxime illud considerandum videre solet. saepe numero*, modifies both participles and is equivalent to a clause. Connecting the common adverb with the first and the common object (vetera) with the second, gives a rhythmic balance to the two members, see Intr. 9, 1, c. *vetera:* A. 189, b; G. 204, N. 2; H. 441, 1: not antiqua nor praeterita ("as it was formerly"), because the long past is held in vivid relation to the present. — **memoria**: Cicero also has repetere memoriam rei, as, pro Deiot. 7, 20: *repete illius temporis memoriam.* — **perbeati fuisse**: e.g. the elder Scipio; see opening of Book III. de Off. Cicero expresses himself similarly with reference to the good fortune of the earlier statesmen in Brut. 2, 9: *itaque ei mihi videntur fortunate beateque vixisse cum in ceteris civitatibus tum maxime in nostra quibus cum auctoritate rerumque gestarum gloria tum etiam sapientiae laude perfrui licuit.* — **in optima re publica**: *in the best period of the republic;* see A. 193; G. 291, R. 2; H. 440, 2, N. — **florerent**: for the mood see A. 323; G. 585; H. 521, II. 2. — **vitae cursum**: the figure is that of a ship, "to hold a chosen course steadily"; cf. de Rep. I. 6,

10: *nisi eum vitae cursum tenuissem.* — **vel . . . vel**: "as they pleased." See A. 156, c; G. 494; H. 310, 2. — **negotium — otium**: *public life — private life*, an unusual meaning for negotium, due here, as Wilkins remarks, to the contrast with otium. — **sine periculo**: viz., from men like Catiline and Clodius. Cicero's career had been full of dangers; see de Off. I. 22, 77: *neque enim periculum in re publica fuit gravius umquam;* also III. 1, 4. — **cum dignitate**: in a position of eminence (won by means of negotium) in which learned pursuits could be united with senatorial activity. — **fuit cum . . . arbitrarer**: *there was a time when I thought;* subj. of characteristic, A. 322, R.; 320, a; G. 580, R. 1; 631, 2; H. 503, 1. The ind. in such sentences (see Livy, VII. 32, 12: *fuit cum hoc dici poterat*) marks of course the simple fact. — **utriusque nostrum**: Q. Cicero had excellent literary tastes and aspirations, though he was chiefly distinguished as a soldier; Caes. B. G. V. 24. — **praeclara studia**: the same as *laudatae artes* in 3, 9, *ennobling literary pursuits*, as, e.g., the law and rhetoric, but especially philosophy and literature. Cf. pro Mur. 10, 22: *omnes urbanae res, omnia haec nostra praeclara studia*, etc. — **forensium rerum labor**: contiones as well as iudicia were held in the Forum, hence both kinds of speeches are here included. — **ambitionis occupatio**: includes all the various means of soliciting votes, as, salutare, rogare, supplicare, manus prensare, etc. Note the force of these genitives (source), "growing out of," "arising from"; and cf. *occupatione urbis ac vitae*, 6, 21; *probitatis commendatione*, 26, 122; *ambitionis labore*, III. 2, 7. — **decursu honorum**, equivalent to decursis honoribus. — **etiam** is intensive, as in 15, 64. — **aetatis flexu**: *at the turn of life.* Both figures are from the race-course, the meridian of life being the meta or turning-point, which marks the completion of half the course; cf. pro Cael. 31, 75: *in hoc flexu quasi aetatis fama adulescentis paululum haesit ad metas.*

2. **Quam spem cogitationum**: subjective gen., *this hope (cherished) in my thoughts.* The hope has a twofold object, viz., rest (requiescendi), and the resumption of learned pursuits (animum ad studia referendi). The double disappointment is stated in the sentences which follow. — **communium temporum . . . casus**: *public calamities*; i.e. those growing out of the

critical condition (tempora) of the commonwealth. Cicero refers here to the events which followed the conspiracy of Catiline, and in varii nostri casus to his own banishment and reverses of fortune. Personal misfortunes are thus mentioned along with public ones in Brut. 3, 12: *post rerum nostrarum et communium gravissimos casus.* — **locus**: *situation* (presented by his career). A. 200, b; G. 616; H. 445, 9. — **plenissimus**: not plenus, in view of the superlatives which make the contrast. — **maximae moles molestiarum**: the force of the words is intensified by the alliteration, as also in turbulentissimae tempestates, see Intr. 9, 12. — **moles molestiarum** and **tempestates** answer to the preceding genitives in the inverted order; since molestia (*vexation*) is opposed to inner quiet (tranquillitas) and tempestas to outer (quies). — **neque vero**: *nor in fact.* vero marks this as the more important of the two purposes; cf. 8, 30. The participles cupientibus atque exoptantibus represent concessive clauses. — **artis**: *studies*, equivalent to praeclara studia above. — **celebrandas**: *pursue with diligence.* — **inter nosque**: que is usually thus attached to the word governed by the preposition. See M. 469, obs. 2.

3. **perturbationem disciplinae veteris**: *the overthrow of the ancient constitution;* in the civil wars between Marius and Sulla. — **incidimus**: denotes what was accidental or involuntary; devenimus rather the voluntary undertaking of duties imposed by his position as consul (hence consulatu, not in consulatu); obiecimus the free choice and resolution of the senator. — **hoc tempus omne**: meaning all his activities during the time. — **peste**, etc.: in an active sense; *prevented from* (bringing about) *the ruin of the state;* cf. pro Sest. 19, 43: *qui hac una medicina sola potuit a rei publicae peste depelli.* — **redundarent**: subj. of characteristic, see arbitrarer, above; cf. pro Sull. 9, 27: *si ex hoc tanto in omnis mortalis beneficio nullum in me periculum redundarit.* — **asperitatibus rerum**: growing out of *fraus inimicorum;* angustiis temporis, out of *causae amicorum.* — **studiis nostris**: *our common studies.* — **quantum** . . . **oti**: for the separation, cf. 47, 207, *id* . . . *oneris*, and see Intr. 9, 9. — **fraus**: *treachery.*

4. **vero**: to complete the climax. The wish of his brother furnishes a still stronger motive than the charm of the subject.

auctoritate corresponds to hortanti, voluntate to roganti; see Intr. 9, 1, and n.

2. **ac**: marking the transition to a new point, here something like, "Well, then, I must now recall the memory of an old tradition," etc. — **memoriae**: equivalent to rei memoriae infixae; viz. the conversation between eminent orators at the Tusculan villa of Crassus, reported to Cicero by Cotta; cf. 7, 26. — **sane**: "it is true." — **explicata**, *in exact detail*, belongs strictly to memoriae, but is joined with recordatio, and not improperly, because the accuracy of the latter depends upon the character of the former. Cf. 3, 11, *liberalissimis*; 49, 212, *leviora artium studia*. — **ut cognoscas**: to be connected, not with requiris, but with repetenda est recordatio. Quintus makes no specific request for the opinions of eminent orators, but Cicero intends to bring these opinions to bear to determine points in dispute between his brother and himself; see 5, below. — **senserint**, equivalent to iudicaverint: *what opinions the most eloquent and distinguished men have held concerning the whole theory of oratory;* cf. 21, 98; II. 7, 29: *quid de omni genere dicendi sentiam.* For the mood, see A. 334; G. 467; H. 529, i.

5. **aut**: "or more correctly." Cf. Tusc. Disp. I. 3, 5: *ut non multum aut nihil omnino Graecis cederetur.* — **commentariolis**: *note books;* from the contents of which he had published a treatise (in two books) *De inventione rhetorica.* He here characterizes the work as incohata (*incomplete*), inasmuch as it did not embrace the whole subject of rhetoric; and rudia (*rough*), because of his inexperience when he wrote it. The following politius corresponds to rudia, and perfectius to incohata. — **exciderunt**: *dropped out*, as if from want of vigilance. Cf. 21, 94: *me imprudente et invito excidit.* — **sunt**: by the use of the indicative, if sunt is the correct reading, Cicero concedes the immaturity of his youthful work. — **hac aetate**: "my present maturer age." For a similar union of aetas and usus, cf. II. 27, 117: *iam aetatis est ususque nostri.* — **ex causis quas diximus tot tantisque**: cf. Cat. Mai. 11, 38: *causarum illustrium quascumque defendi*, in which Cicero puts words suited to his own career into the mouth of Cato as well. — **tot**: the titles of fifty-six speeches delivered before this date remain to us. — **eruditissimorum hominum**:

men of the broadest culture. Cicero holds that eloquence depends upon the attainments (artibus) of the most learned men; cf. 2, 6; 3, 10; III. 32, 128; while his brother makes it depend upon natural ability and practice. In the dialogue, Crassus mainly represents the former view, and Antony the latter. — **elegantia doctrina**, equivalent to reconditiore doctrina: cf. de Fin. IV. 10, 24: *quae enim adhuc protulisti popularia sunt; ego autem a te elegantiora desidero.* — **in quodam . . . genere**: smacks of disparagement, as though Cicero were passing judgment upon this view.

6. **Ac**: introduces the preliminary refutation of his brother's view. The point is that the fact stated in the words, plures in omnibus artibus quam in dicendo admirabiles exstitissent, would be impossible if eloquence were merely a matter of natural talent or were acquired by a routine of practice; see 5, 16, ff. — **in summos . . . intuenti**: not essentially different from the simple acc.; but the preposition expresses more fully the original meaning of the verb, *when I turned my eyes toward;* cf. Brut. 7, 26: *In quam cum intueor;* 97, 331: *sed in te intuens, Brute, doleo.* On the other hand, de Or. II. 21, 89: *ut tota mente Crassum atque omni animo intueretur.* — **summis ingeniis**: the plural to denote the abilities of several persons; cf. 25, 115; II. 2, 6. — **admirabiles exstitissent**: periphrasis for the perf. of excellere, rarely used. — **converteris**: fut. pf.; A. 316, 307, c; G. 595; H. 508, 2. — **mediocrium artium**: such as poetry, music, grammar, literature, and the like, which seemed to the Romans less important than statesmanship or war. — **maximarum**: cf. pro Mur. 14, 30: *Duae sunt artes, quae possunt locare homines in amplissimo gradu dignitatis, una imperatoris, altera oratoris boni.*

7. **Quis enim est**: the more common order, quis est enim, changed for emphasis; G. 484, R.; M. 471, obs. 1. — **clarorum hominum scientiam**: *the knowledge possessed by illustrious men;* but *knowledge* here with some reference to its applications, — *skill, ability.* The aim of the sentence is to exhibit the ars imperatoria as an ars maxima. — **quis . . . dubitet**: for the mood, see A. 268; G. 466; H. 486, II.

8. **Iam vero**: denotes a transition to a point which the writer

regards as more important. — **consilio** (*sagacity*) **ac sapientia**: note the emphatic position; cf. 9, 37, where these traits are asserted of Romulus. — **etiam maiorum**: for it was hardly to be expected of them. — **perdiu**: Cicero was of opinion that true Roman eloquence, as it was developed under the influence of Greek letters, began with the Gracchan era; see Brut. 27, 103, ff. — **nulli**: "none at all"; G. 317, 2, N. 2; M. 455, obs. 5: cf. Brut. 97, 333: *Nonne cernimus vix singulis aetatibus binos oratores laudabilis exstitisse;* also, 36, 138; 78, 270. — **ne qui forte**: the usage of Cicero does not confirm the rule that quis (indefinite) is always used as a substantive, qui as an adjective; cf. II. 15, 65: *si qui volet;* II. 55, 167: *ne forte qui;* and on the other hand, II. 48, 199: *si quis motus populi factus esset;* G. 107, N. 1. — **reconditis**: *abstract*, used with abditus in 3, 12; with abstrusus in Brut. 11, 14: *a reconditis abstrusisque rebus.* — **imperatoris laude**: equivalent to praestantis imperatoris scientia. — **prudentia**: *practical sagacity*, especially used of statesmen and jurists. — **comparandam**: "of a kind to be compared with," Wilkins. — **qui convertat**: protasis; *if he turn.* There is an ellipsis of some phrase, like "I remark," a construction not uncommon after ut and ne; cf. 4, 13; 8, 33; III. 50, 195. — **quam multi sint**: placed last for emphasis; so also paucitas: cf. 44, 149; 59, 168.

3. 9. **laudatarum**: equivalent to optimarum, liberalium, as the pursuits mentioned below. — **quandam — quasi**: both apologetic, the former for the use of procreatricem, the latter for parentem, words which present the relation of philosophy to the best arts figuratively; G. 602, N. 2; cf. Tusc. Disp. I. 26, 64: *Philosophia . . . omnium mater artium;* de Leg. I. 24, 62; *earum parens est educatrixque sapientia.* — **φιλοσοφίαν**: used by Cicero for sapientia, but not yet thoroughly naturalized. — **in qua**: adversative, *yet in this.* In this use quidem is often added to the relative. — **quot viri quanta scientia,** etc., *how many men of comprehensive knowledge, of the widest range and the greatest versatility in their pursuits.* The English does not admit of successive interrogatives in the same clause; G. 470, R. — **qui non una . . . elaborarint**: *who have not worked separately in some one department.* Philosophical reflection upon the

problems which the world presents requires a general survey of the whole field of knowledge. — **disserendi ratione**: *dialectics.* Cf. Tusc. Disp. V. 25, 72: *Sequitur tertia, quae per omnes partes sapientiae manat et funditur, quae rem definit, genera dispertit, sequentia adiungit, perfecta concludit, vera et falsa diiudicat, disserendi ratio et scientia.*

10. **obscuritate**: the subst. instead of the adj., to make the quality prominent; *in what obscure subjects, and in how abstract and complex and subtle an art, they are engaged.* — **subtili**: *exact;* requiring acuteness. — **ei scientiae**: used for eius artis scientiae. — **vehementius**: *at all earnestly.* — **musicis**: the plur. as in 42, 187; III. 21, 78; elsewhere the sing., as in III. 33, 132. Similarly Cicero uses grammatica, dialectica, geometrica, both as fem. sing. and as neut. plur. — **huic**: "now so fashionable." Literary studies answering about to our Philology (see 42, 187) became very popular at Rome under the influence of L. Aelius Stilo, the teacher of Cicero, and Varro. — **vim**: *range.* — **scientia et cognitione**: an instance of hysteron proteron, as in 35, 161: *nosse atque vidisse;* see Intr. 9, 1, r; here perhaps for the sake of the chiasmus, since scientia refers to materiem, cognitione to vim; see A. 385; G. 682; H. 636, V. 2.

11. **liberalissimis**: drawn into agreement with studiis and doctrinis, instead of artium, by hypallage; A. 385; G. 693; H. 636, IV. 2. — **Atque** (not atqui), as in 9, 38, serves simply to introduce that which completes the development of the thought. — **in hoc ipso numero**, i.e. in poetarum ipsorum numero. — **comparare**: pregnant, for comparandi causa deligere; "if you will select for comparison." So, often, defendere = defendendi causa dicere; turbare bellum = rebus turbandis bellum efficere. — **multo tamen**, etc.: we should expect multo tamen plures egregii reperientur quam sunt oratores boni; but Cicero's thought gravitates to the *fewness* of orators and the intervening clause permits the anacoluthon.

12. **mirabilius**: *the more remarkable.* — **studia**: *knowledge* gained by study, the cause put for the effect. — **reconditis**: *hidden*, as opposed to in medio posita, *open to all;* abditis, *inaccessible*, opposed to communi quodam in usu. — **quodam**: "to some extent;" quidam (like the Greek τὶς) following an

adjective serves to mark its meaning as indefinite. It may either limit ("in some sort") as here, or, as in 14, heighten the meaning ("actually"). — **versatur**: *is concerned with.* — **ceteris**: sc. artibus. — **volgari**: *popular.* — **a consuetudine communis sensus**: *the customary range of thought;* cf. 21, 94: II. 16, 68: *in sensu hominum communi;* III. 29, 115; *in communi mente quasi impressum.*

4. 13. **ceteris**: sc. artibus, as in 12. — **inservire**: stronger than servire, almost equivalent to operam dare. — **spe uberiore**: with reference to magnitudo causarum, 15. — **praemiis ad pĕrdiscendum amplioribus commoveri**: an unusual order of words to give emphasis to amplioribus; cf. in Pis. 35, 86: *Evertisti miseras funditus miserias.* For a similar repetition of aut, see 9, 36, and Intr. 9, 1, e. illud looks forward to the two rejected suppositions (inservire and commoveri), the latter of which has reference to three particular motives, delectatione, spe, and praemiis. — **Atque**: marks the transition from the proposition to the further development and proof of it; see 11, above. — **ut omittam**: see A. 317, c; G. 545, 3, R. 3; H. 499, 2, N. — **esse voluit**: *has claimed to be*, probably, as Wilkins suggests, with something of the notion of vain pretense, as in de Fin. V. 5, 13: *Strato physicum se voluit;* de Div. II. 44, 93: *volunt illi omnis eodem tempore ortos.* — **princeps**, for the case, see A. 271, c; G. 528; H. 536, 2. — **inventa et perfecta**: a favorite combination with Cicero; Intr. 9, 1, t; cf. Tusc. Disp. V. 1, 2: *ab eis inventa et perfecta virtus est.* For the thought as applied to Athens, cf. Brut. 10, 39: *in ea ipsa urbe in qua et nata et alta sit eloquentia,* and 13, 49: *hoc autem studium non erat commune Graeciae, sed proprium Athenarum.* — **viguerunt**: about equal to vim insitam ostenderunt, i.e. develop a vigorous life.

14. **imperio . . . constituto**: after the victory over Carthage and the Graeco-Macedonian empire; cf. Brut. 12, 45: *pacis est comes otique socia et iam bene constitutae civitatis quasi alumna quaedam eloquentia.* — **confirmavit**: the perf. (instead of the plupf.) denotes the two actions as following each other immediately; M. 338, b. — **nemo . . . adolescens**: not nullus; so regularly with persons; see A. 202, f; G. 317, 2; H. 457, 1; M. 91. obs. — **primo**: *at first;* applicable to that which is necessarily first, and

to be distinguished from primum, which is used when the order is subject to the speaker's choice. — **rationis**: *theory;* viam: *method.* The argument of Harnecker seems conclusive for viam instead of vim. It was not the "value" or the "efficacy" of practice which the early orators ignored, but the use of a scientific "method" in it. — **artis**: *system.* — **tantum, quantum**: *only so much as.* — **oratoribus**: an allusion, doubtless, to the Athenian embassy, 155 B.C., when Carneades the Academic, Critolaus the Peripatetic, and Diogenes the Stoic, came to Rome. — **doctoribus**: sc. *Graecis.* — **incredibili quodam**: *actually incredible.* See on quodam, 12. — **discendi studio**: for dicendi st. of the Mss., a conjecture well supported by the fact that it is in antithesis to totius rationis ignari; also by the fact that their zeal for eloquence has already been distinctly noted just above, nemo fere laudis, etc.; see also, praemiis ad perdiscendum, 13; and ad eam doctrinam, 15; cf. 5, 16; 17, 79; II. 1, 1: *incensos studio discendi.*

15. **magnitudo . . . causarum**: the rapid increase of legal business, both civil and criminal, led to the establishment of permanent courts, quaestiones perpetuae, — the first in 149 B.C. (*De Repetundis*). Others soon followed, until the system was brought into general use by Sulla's lex Cornelia. Great cases became much more common, and gave ambitious young men abundant opportunity to win distinction. — **multitudoque**: que merely marks the completion of a series of co-ordinate words; et, or more frequently atque (ac), draws special attention to the last member. G. 481, N.; M. 434, obs. 1. — **superaret**: "surpassed as they thought." See A. 341, d; G. 628; H. 529, II. — **exposita**: with the notion of display for the purpose of making a choice; cf. III. 57, 217: *Hi sunt actori, ut pictori, expositi ad variandum colores.* — **ad**: "with reference to"; i.e. for the acquisition of. In this use ad is more frequently dependent upon an adj., as II. 49, 200: *nihil mihi ad existimationem turpius, nihil ad dolorem acerbius accidere posse;* Tusc. Disp. 15, 33: *hebes ad . . .*; 33, 79: *consolatio firmissima ad veritatem;* less frequently upon a substantive (as here) or a verb. — **opes**: *influence*, especially resulting from wealth and high political position. — **dignitatem**: *personal reputation.* — **Ingenia vero**: vero to denote the last term of a climax; cf. 1, 4. The most decisive requisite for success in oratory (natural ability) was

not mentioned in 13. — **multis rebus**, i.e. judging from the eminence and success of many in war, in legislation, and other departments of practical life. — **ceteris hominibus**: instead of ceterorum hominum ingeniis, an instance of what is called comparatio compendiaria, M. 280, obs. 2. hominibus is repeated because Cicero in comparisons and antithetical statements prefers the full expression of the thought; see Intr. 9, 8. His estimate of the abilities of his countrymen in comparison with other nations is still more strongly stated in Tusc. Disp. I. 1, 1: *meum semper iudicium fuit omnia nostros aut invenisse per se sapientius quam Graecos, aut accepta ab eis fecisse meliora;* for the development of this thought with respect to the civil law, see 44, 197.

16. **miretur**: see on 12, mirabilius. — **aetatum**: *periods.* — **temporum**: *circumstances;* both with reference to 4, 14 and 2, 8. — **sed enim**: i.e. sed tamen mirum non est; maius enim est hoc quiddam. — **ex artibus studiisque**: cf. pro Mur. 9, 22: *ut hoc omisso ad studiorum atque artium contentionem revertamur.*

5. in: *in spite of;* i.e. notwithstanding a condition that would promote oratory; cf. 1, 3: *in his vel asperitatibus.* The concessive sense is afterwards continued by the ab. abs. — **quandam**: placed before the adjective qualifies the subst.; *a peculiar and indeed an incredible magnitude;* cf. 19, 85; II. 28, 125: *sine quadam incredibili vi ac facultate dicendi;* pro Mil. 37, 101: *est quodam incredibili robore animi.* — **difficultatem**: cf. Brut. 6, 25: *Hoc vero sine ulla dubitatione confirmaverim — (eloquentiam) rem unam esse omnium difficillimam. Quibus enim ex quinque rebus constare dicitur, earum una quaeque est ars ipsa magna per sese. Qua re quinque artium concursus maximarum quantam vim quantamque difficultatem habeat existimari potest.*

17. **Est enim**: introducing a brief outline of the whole treatise, extending as far as 19. — **oratio**: *the expression in words;* as opposed to scientia. — **constructione verborum**: *the arrangement of words*, with a view to their weight and rhythmic flow in the structure of periods; cf. 33, 151; Brut. 78, 272: *verborum apta et quasi rotunda constructio;* ad Her. IV. 12, 18: *compositio est verborum constructio quae facit omnes orationis partes aequabiliter perpolitas.* — **motus**: the importance of thorough psychological

knowledge is repeatedly insisted upon; cf. 12, 53; 14, 60; 19, 87; 36, 165, etc. — **rerum natura**: *nature;* cf. Lucr. I. 21, 25. — **penitus pernoscendi**: cf. 12, 53; 20; 92; 51, 219, where penitus is added, as here, to verbs already strengthened by per. — **vis ratioque**: *power and art.* — **eorum qui audiunt**: cf. 51, 219. — **lepos quidam facetiaeque**: (*spirited humor and witty expressions*) form one conception, hence accedat; cf. II. 54, 219: *multum in causis persaepe lepore et facetiis profici vidi.* — **eruditio**: *culture*, obtained through scholarly pursuits. The development in meaning of verbals in -io, from denoting the action to denoting the result of the action, is already going on in the classical Latin. — **libero**: the subst. use of the adj. in the masc. sing. is rare; but libero dignus seems to have become a current phrase; cf. 16, 72; de Fin. V. 17, 47; in Pis. 10, 22; in Verr. II. 2, 24, 58; cf. also pro Mur. 3, 7: *quod esset aut ab amico aut a gratioso aut a consule postulandum*, where, however, the position of the adj. between two nouns justifies this use. — **celeritas**: *readiness.* — **respondendi et lacessendi**: technical expressions for defense and attack in speech; "repartee and sally." — **subtili venustate**, etc.: *a refined sense of propriety and courtesy.* — **coniuncta**: cf. 57, 243; the forms of the simple verb iuncta, iungenda, are also used with the abl. without cum; see III. 14, 55: *quae quo maior est vis, hoc est magis probitate iungenda summaque prudentia;* Tusc. Disp. III. 5, 11: *hanc enim insaniam, quae iuncta stultitia patet latius, a furore disiungimus.*

18. **Tenenda praeterea est**: not a repetition of scientia comprehendenda rerum plurimarum in 17, but a particular mention of lines of knowledge that must be *held in readiness for constant use.* — **antiquitas**: *history;* cf. 34, 159; 46, 201; 60, 256. — **exemplarumque vis**: *a fund of precedents;* cf., for the whole thought, Or. 34, 120: *Ius civile teneat, quod egent causae forenses cotidie. Cognoscat etiam rerum gestarum et memoriae veteris ordinem. Commemoratio autem antiquitatis, exemplorumque probatio summa cum delectatione et auctoritatem orationi affert et fidem.* — **quid . . . plura dicam**: a formula of praeteritio, by which a writer magnifies the importance of a point by assuming that it is so well known as hardly to require mention, like quid loquar de; while quid dicam de, below, is a formula of

amplificatio, and denotes that the importance of the subject can hardly be expressed. — **actione**: *delivery;* its importance is repeatedly insisted on; see II. 17, 73: *accedat oportet actio varia, vehemens, plena animi, plena spiritus, plena doloris, plena veritatis;* III. 56, 213: *Actio inquam in dicenda una dominatur*, etc. — **moderanda est**: *must be regulated.* — **conformatione ac varietate**: *the training and modulation.* — **levis**: *slight;* i.e. of little importance; cf. 28, 129. — **oris**: must refer rather to the shaping of the mouth for utterance, than to the expression of the face, as actors wore masks; hence III. 11, 41, Nolo exprimi litteras putidius, nolo obscurari negligentius. — **aequo animo**: *with satisfaction.* — **thesauro**: cf. ad Her. III. 16, 28: *nunc ad thesaurum inventorum atque ad omnium partium rhetoricae custodem memoriam transeamus.* — **cogitatisque**: *well weighed;* cf. pro Deiot. 13, 38: *haec ille reputans et dies noctisque cogitans;* Cat. Mai. 11, 38: *res multum et diu cogitatae.* — **omnia . . . peritura**: *all abilities however distinguished in the orator will be without effect.*

19. **ex eis rebus . . . constet**: *depends upon those universal attainments;* cf. 28, 128. — **elaborare**: not simply to labor diligently, but with success, to accomplish results. — **neque**: for neve, because ut precedes. — **praeceptis**: denotes rules obtained from text-books, magistris the oral instruction of teachers. — **aliis quibusdam**: developed in the talk of Crassus, ch. xxv. and following. — **confidant**: belongs in sense to praeceptis . . . exercitationibus, while with aliis quibusdam we must supply some such word as existiment. For the thought, cf. 23, 109; III. 14, 54. For the accumulation of verbs, see Intr. 9, 11.

6. 20. **omni laude cumulatus**: *fully qualified with every merit;* see 26, 118. — **rerum magnarum**: see 11, 46, rerum maiorum. — **erit . . . consecutus**: the fut. perf. to denote the completion of the conditional act before that of the apodosis begins; see A. 307, c; G. 236, 2, 596; H. 508, 2. — **etenim**, etc.: a digression caused by the importance which Cicero attaches to this thought. The thread is taken up again at neque vero. — **efflorescat et redundet oportet**: *must be adorned and enriched,* Wilkins. — **ex rerum cognitione**: cf. III. 30, 121: . . . *sed onerandum complendumque pectus maximarum rerum et plurimarum*

suavitate, copia, varietate; Tac. Dial. de Or.: *multa eruditione et plurimis artibus et omnium rerum scientia exundat et exuberat illa admirabilis eloquentia.* — **res**: *subject-matter*, as distinguished from **oratio**, *expression*, or *style*, a distinction constantly insisted on, see 5, 17; 11, 48; 12, 54; Brut. 23: *dicere enim bene nemo potest nisi qui prudenter intellegit;* III. 31, 125: *rerum enim copia verborum copiam gignit*, etc. — **percepta et cognita**: frequently joined together. Intr. 9, 1, t. Cf. 51, 222; Acad. II. 6, 18; de Fin. I. 19, 64; V. 26, 76. — **elocutionem**: with disparagement — a mere *jingle of words;* cf. ad Her. IV. 32, 43: *Circuitio est oratio rem simplicem adsumptam circumscribens elocutione.*

21. **hoc tantum**: cf. 3, 9: *quot viri quanta scientia.* — **praesertim**: limits the statement to nostris oratoribus, abridged for oratoribus praesertim cum nostris praecipiam. — **urbis ac vitae**: *the city and life there* = *urbanae vitae*, with reference of course to the claims which life in Rome made upon the time of public men; for the hendiadys, see Intr. 9, 1, q. — **vis oratoris professioque ipsa**, etc.: *the idea of an orator* (i.e. the meaning of the word), *and the act of professing excellence in speech;* profession, meaning calling, is a later sense of professio. — **suscipere ac polliceri**: more commonly suscipere ac profiteri, the usual expression as applied to those who announce themselves as devoted to a particular art or calling; cf. 22, 103; 25, 116; II. 36, 153. — **ornate**, refers to the form, **copiose**, to the subject-matter.

22. **Graecos homines**: especially authors of treatises on the subject, as, Isocrates, Plato, and Aristotle. — **abundantes**: *amply furnished.* The Greek otium was proverbial; cf. III. 15, 57: *otio nimio . . . affluentes;* III. 32, 131: *otio vero diffluentes;* Or. 30, 108: *nemo enim orator tam multa ne in Graeco quidem otio scripsit.* — **partitionem quandam . . . fecisse**: the orator must have a certain familiarity with all branches of knowledge, as Cicero everywhere insists, yet in theory as well as in practice oratory itself, like other learned pursuits, has its departments, as the deliberative, the judicial, the demonstrative. — **singulos**: in opposition to universo; cf. 5, 19. — **seposuisse**: cf. III. 33, 132; *ut alius aliam sibi partem in qua elaboraret seponeret.* — **dictionibus**: *modes of speech.* — **eam partem dicendi**: viz., the oratory

of the forum in its two main branches, judicial and deliberative in the popular assemblies; leaving for ceteris dictionibus the senatorial and demonstrative (lectures on philosophy, medicine, music, mathematics, etc.). The latter is only incidentally and occasionally considered in this treatise. — **versaretur**: a perfect inf. or part. dependent on a pres. tense usually takes the sequence of the past tenses; hence the imperfect; the import of the proposition, however, may hold good at the present or at any time, in which case the pres. is often used in Eng.; see A. 287, i; G. 518; H. 495, 4; M. 383.

23. **incunabulis**: *elements.* — **veteris puerilisque**: "brought from ancient times and adapted to boys." — **accepi**: i.e. from Cotta, 7, 26. — **quondam**: goes with versata est. — **nostrorum hominum eloquentissimorum**: in opposition to the Greek rhetoricians, who were mere theorists. — **non quo . . . sed dabis**: an anacoluthon quite common in Cicero; Intr. 9, 2; cf. Tusc. Disp. I. 1, 1: *non quia philosophia Graecis et litteris et doctoribus percipi non posset, sed meum semper iudicium fuit*, etc. — **artifices**: used for artium — vel artificorum (manuals of instruction) auctores. — **dabis hanc veniam**: addressed to his brother, but also to the public, in apology for his unusual method. As applied to Quintus it is delicately ironical, as he had no special liking for systematic treatises on rhetoric. For the expression, cf. 21, 98; 35, 163. — **auctoritatem**: *mature judgment.* — **Graecis**: abridged from Graecorum auctoritate; see on ceteris hominibus, 4, 15.

7. 24. **vehementius inveheretur**: has an early place in the sentence to bring vividly to mind the political situation of the state at that time. Pid. — **causam**: *policy.* — **principum**: the party of the optimates; but parties were divided, and it refers here to those of the senators who supported the proposition of Drusus; Intr. 2. — **consul**: placed first as if to suggest that Philippus, in view of his official position, should have recognized and defended the interests of the senate; cf. III. 1, 3: *a consule qui quasi parens bonus aut tutor fidelis esse deberet.* — **infringi debilitarique**: frequently united; *to lose its stability and influence;* see Intr. 9, 1, r, t; cf. 26, 121; ad Fam. V. 13, 3: *nullum reperies profecto quod non fractum debilitatumve sit;* ad Quint. fr. I. 1. 1:

animos frangi et debilitari molestia non oportet. — **dici**: the pres. where we should expect the perf. inf., a common idiom with memini and memoria teneo; see A. 336 A. n. 1; G. 281, 2, N.; H. 537, 1; M. 408, b, obs. 2. Stating formally the recollection of a past transaction of which one has been an actual witness, seems to transfer the thought to the time of the occurrence; it is then no longer past, but going on. — **ludorum Romanorum**: also called ludi magni or maximi; celebrated in honor of Jupiter, Juno, and Minerva, from the 4th to the 12th of September, inclusive. They were at this time conducted by the curule aedile M. Marcellus; see 13, 57. — **colligendi sui causa**: colligere seems to have been a technical term of the wrestling match and prize ring, — to *rally, gather oneself up*, hence quasi; further, also, the *real* reason of their going to Tusculum is given below (26). — **fuerat**: plupf., hence the wife of Crassus, daughter of Scaevola, was no longer living; yet the terms socer and gener, as applied to Scaevola and Crassus, are freely used throughout; cf. 57, 242; II. 6, 22; III. 18, 68; I. 9, 35. — **consiliorum . . . socius**: *a sharer of his political views;* i.e. belonging to the same party.

25. **dignitatis suae**: sc. tuendae or augendae, easily supplied from the connection. They hoped these young men would be the champions of the senatorial party, a hope which Sulpicius at least did not fulfill. — **deinceps**: *next in succession.* Sulpicius was not tribune, however, until 88. — **magistratum**: so called, but hardly a magistracy in the proper sense of the word, as it had not the imperium. Cf. Liv. II. 56, 13: *Ardens igitur ira tribunus viatorem mittit ad consulem, consul lictorem ad tribunum privatum esse clamitans, sine imperio, sine magistratu.* By the plebiscitum Atinium, however, the date of which is not known, the tribunes were admitted to the senate, and from that time were called magistrates.

26. **temporibus**: "the condition of affairs." — **deque**: the enclitics que, ne, ve, are usually attached to the governed substantive, but sometimes, as here, to the preposition, especially if it is monosyllabic; M. 469, obs. 2. — **divinitus**: here, as in 46, 202, = *by divine inspiration;* usually *admirably*, as in 7, 28; 11, 49; 53, 227; II. 2, 7. — **deplorata et commemorata**: *discussed in gloomy mood;* Intr. 9, 1, r. — **incidisset**: reported from Cotta, who had said inciderit.

27. **humanitatem**: *courtesy.* — **lauti**: as they regularly did before dinner; cf. pro Deiot. 7, 20; *Quid igitur causae cogitari potest cur te lotum voluerit, cenatum noluerit occidere.* — **tolleretur superioris . . . tristitia sermonis**: the lively social discourse and genial manner of Crassus produce here one of the very effects attributed to the power of speech in 8, 32. — **iucunditas**: *cheerfulness*; cf. de Off. 1, 34, 122: *relaxare animos et dare se iucunditati.* — **curiae fuisse**: the conversation of the day was like the serious proceedings of the senate-house; curiae, like Tusculani, is predicative.

28. **ambulationem**: *the place for walking*, as, a garden. — **tum**: to denote that the beginning of the main action coincides with the completion of the subordinate one. — **spatiis**: *turns*, as in pro Mur. 34, 70: *a quibus — si uno basilicae spatio honestamur diligenter observari videmur et coli.* — **Phaedro**: a treatise which Cicero had carefully studied, and probably at first hand. — **admonuit**: the sight of the tree at once reminds him of the similar situation. — **patulis ramis**: *with its broad branches*; *ἀμφιλαφής*, in the beautiful description of Plato. — **secutus est**: *sought.* — **acula**: referring to the fountain spoken of by Plato, — *πηγὴ χαριεστάτη ὑπὸ τῆς πλατάνου.* — **crevisse**: Cicero could hardly have intended to suggest a doubt as to the existence of the tree, but rather that it owed its (reputed) size and beauty to the words of Plato (*τὴν ὑψηλοτάτην πλατάνον; μαλ' ἀμφιλαφής τε καὶ ὑψηλή*); i.e. it was not really as large and fine as Plato described it. Pid. notes Cicero's description of the *Quercus Mariana*, de Leg. I. 1, 1: *manet vero et semper manebit; sata est enim ingenio; nullius autem agricolae cultu stirps tam diuturna quam poetae versu seminari potest.* — **durissimis**: becausc he went without sandals, — *ἀεὶ ἀνυπόδητος ὤν.* — **ut se abiceret**: explanatory of quod; viz., *that he should throw himself upon the grass.* The same construction occurs in 2, 4; 10, 44; 17, 74; 33, 149; 40, 183. — **in herba**: for the abl., cf. de Fin. V. 30, 92: *anulum, quo delectabatur, in mari abicerat*; Caes. B. G., V. 10: *naves in litore eiectae.* — **philosophi**: what Plato said, attributed to philosophers in general. — **divinitus**: see on divinitus, 7, 26. — **meis . . . aequius**: a piece of pleasantry, of course. So far as feet are concerned, Scaevola claims that he may take that attitude with even more propriety than Socrates, as his feet are not so hard.

29. **commodius etiam**: sc. faciamus; see A. 206, c. 1; G. 209, 5; H. 368, 3, N. 1.

8. dicebat: sc. Cotta. — **pristino**: *of the previous day;* so used in Caes. B. G., IV. 11, 2: *milites nostri pristini diei perfidia incitati . . .*; B. C. I. 74, 7: *pristinae lenitatis;* Cic. in Cat. II. 3, 6: *ne illi vehementer errant, si illam meam pristinam lenitatem perpetuam sperant futurum.* — **solebat**: so readily did Cotta direct the conversation to those memorable days. Pid.

30. **cohortandum**: not cohortandos, as the subjects are thought of separately; A. 205, d; G. 285, ex.; H. 463, 1; M. 213, a, 2, obs. — **magis**: note the difference between magis and potius, which might have been expected here. collaudandum is not substituted for cohortandum, but *added* as a more fitting expression. — **aequalibus suis**: *men of their own age.* — **sed**: (without etiam) denotes that this expression (compararentur), as the stronger, includes the first (anteponerentur); sed etiam introduces the second of two coördinate clauses or expressions into which a thought has been distributed; cf. 8, 34; and ad Fam. V. 21, 4: *hanc non solum adversam, sed funditus eversam fortunam fortiter ferre debemus.* — **inquit**: this change to the direct discourse is anticipated in cum ita est exorsus. — **velit**: viz., the orator; the subject supplied from the infinitive, as often; M. 388, b, obs. 2. — **una**: emphatic pleonasm, in connection with the superlative idea in praecipue floruit; A. 93, b; G. 303; H. 444, 3; M. 310, obs. 2. — **pacatis tranquillisque**: *at peace without and within.* Cf. 4, 14; II. 8, 33: *usum dicendi, qui in omni pacata et libera civitate dominatur;* yet Cicero's supremacy in oratory was achieved in periods of great internal strife. — **dominata est**: *has been supreme.*

31. **facere**: *actually perform.* — **cognitu**: relates to the thought, auditu to the form of expression, see A. 303, R.; G. 436; H. 547, 1. — **polita**: added to ornata, not with specific difference of meaning, but to round off a period in which thoughts go in pairs. — **converti**: *be influenced;* applying as well to the passions (motus) of the people, the scruples (religiones) of the judges, and the serious conviction (gravitatem) of the senators. For this absolute use of convertere, cf. Or. 5, 20: *ad permovendos et convertendos animos instructi et parati;* Caes. B. G., I. 41, 1: *hac oratione habita mirum in modum conversae sunt omnium mentes.*

32. **tam porro regium**: this separation of words syntactically united serves partly to promote the rhythm of the period, but mainly, as here, to emphasize the separated words; cf. 15, 65: *multo oratorem melius*; 18, 82: *compluris tum ibi dies*; 48, 207: *hoc . . . audacius*; II. 23, 96: *multo eius oratio esset pressior*; 71, 288: *nimis mihi videor multa in genera digessisse*; pro Cael. 7, 16: *tam Caelius amens fuisset.* It occurs most frequently with quam in indirect questions and exclamations, as Lael. 3, 10: *quam id recte faciam viderint sapientes*; Brut. 33, 126: *quam ille facile . . . esset consecutus.* — **regium**: because to protect the innocent is a kingly act. — **liberale**: *noble.* — **munificum**: *generous.* — **excitare adflictos**: *encourage the unfortunate.* Cf. 37, 169. — **retinere homines in civitate**: i.e. defend them when accused of crimes for which, if convicted, they would be exiled. — **provocare improbos**: *to challenge the unscrupulous.* improbos, for integros of the best Mss., which makes no sense, and is thought by many to be a corruption for integer as a gloss upon tectus. improbos is supported by such passages as II. 9, 35: *quis vituperare improbos . . . potest*; in Cat. III. 12, 28: *Est etiam in nobis is animus, Quirites, ut non modo nullius audaciae cedamus, sed etiam omnis improbos ultro semper lacessamus.* ipse with tectus suggests, to complete the thought in provocare improbos, some such expression as communis salutis causa. — **Age vero**: a formula of transition which indicates that the new point is one of special importance. — **forum**: as the scene of oratorical activity, denotes in general what is more specifically expressed by the three words which follow; Intr. 9, 6; cf. 9, 35, where rostra is represented by contione; III. 23, 86: *qui forum, qui curiam, qui causas, qui rempublicam spectet*; where rempublicam means the same as rostra and contio; while in 11, 48; 16, 73; and III. 17, 63: *a rostris, a iudiciis, a curia*, the general term forum is wanting; cf. also in Verr. V. 72, 186; and further, for a similar mention of particulars which specialize a general conception, cf. II. 71, 287: *cum optimus colonus, parcissimus, modestissimus, frugalissimus esset*; de Dom. 40, 106: *ius igitur statuetis esse unius cuiusque vestrum sedis, aras, focos, deos penates subiectos esse libidine tribuniciae.* — **humanitatis**: *refinement.* — **facetus**: *witty*, refers more to the form, nulla in re

rudis (= eruditus) to the subject-matter, descriptions figuratively applied to the conversation instead of to the speaker. — **hoc enim uno**: cf. de Inv. I. 4, 5: *ac mihi quidem videntur homines hac re maxime bestiis praestare, quod loqui possunt; qua re praeclarum mihi quiddam videtur adeptus is, qui, qua re homines bestiis praestent, ea in re hominibus ipsis antecellat.* — **exprimere**: the word holds to its radical signification, *model, represent;* cf. Hor. A. P. 32: *faber unus et ungues exprimet;* hence the frequent use with it of the inst. abl., dicendo, verbis, oratione. — **sensa**: equivalent to cogitata; *thoughts;* cf. III. 14, 55: *haec vis sensa mentis et consilia sic verbis explicat,* etc.

33. **illa summa**: "the highest results and advantages of eloquence." — **hunc**: "our present"; cf. huic studio, 3, 10. — **humanum** stands opposed to fera, civilem to agresti. — **describere**: equivalent to constituere, definire; cf. III. 20, 76: *illa vis autem eloquentiae tanta est, ut . . . mores leges iura describat,* etc.; discribere, on the other hand = distribuere; see 13, 58. Scaevola (9, 36, 37) does not accept the view here expressed as to the origin of civil society; cf. also Tusc. Disp. V. 2, 5, where the influence here attributed to the orator is given to the philosopher. Cicero, in de Off. I. 17, 54, exactly expresses the modern theory, viz., the evolution of civil society from the family through the clan: *quae propagatio et suboles origo est rerum publicarum.*

34. **moderatione et sapientia**: *wise control;* hendiadys; cf. 2, 8, consilio ac sapientia. — **contineri**: *depend upon;* see 2, 5. — **incumbite**: *apply yourselves earnestly.* — **honori**: pred. dat. A. 233, a; G. 356; H. 390; R. II. Pref. pp. xxv. ff. For the thought, cf. de Off. I. 7, 22: *non nobis solum nati sumus ortusque nostri partem patria vindicat, partem amici.*

9. 35. **cetera**: the accus. to denote not the proper obj. of the action but its extent; *in other respects;* A. 240, b; G. 338, 2; H. 378, 2; cf. 20, 91; 28, 126; 51, 223; III. 19, 70: *quod arguare.* — **huius generi**: viz., Crassus, 7, 24. — **detraham**: detrahere de = *disparage;* cf. ad Fam. III. 8, 5: *si in provincia de tua fama detrahere umquam cogitassem;* often also with direct personal reference; in Verr. IV. 24, 53: *ut ipse de me detraham;* Acad. II. 5, 15: *Socrates autem de se detrahens in disputatione plus*

tribuebat eis quos volebat refellere (displaying the essence of the "Socratic irony"). — **initio**: looking forward to saepe. — **conservatas**: *preserved unimpaired* (not servatas). — **remoto**: = omisso; *putting aside;* sc. in cogitatione. — **in omni genere sermonis**: with reference to 8, 32, sermo facetus ac nulla in re rudis.

36. **concesserit**: A. 268; 311, a; G. 259; H. 486, II. — **compulsum . . . delenitum**: the words mark the nature of the respective influences; see Intr. 9, 8. — **aut vero**: the distinction of time anticipated in aut initio is carried out, not in form but in reality, inasmuch as founding and preserving (constituendis, conservandis) states mark stages in advance of the mere gathering of men for defense. — **utilitates**: *useful arrangements;* cf. 43, 193. — **constitutas**: a repetition permitted by the remoteness of constituendis.

37. **Sabinorum**: not Sabinarum, because conubia denotes marriage in its legal aspects as a civil institution, and the writer has in mind the conferring of the ius conubi upon the Sabini, rather than the rape of the women. The word for any marriage connection is coniugium; cf. de Fin. IV. 7, 17: *coniugia virorum et uxorum natura coniuncta.* — **non consilio et sapientia**: (cf. 2, 8); ac non adds a correction absolutely; non places an opinion which the writer conceives to be correct in sharp contrast with the erroneous opinion; M. 458, a, obs. 1; cf. 14, 62: *non eloquentiae.* — **quid**: *what* shall we say to this — that; for this ellipsis, see A. 240, d, N. 1; H. 454, 2; M. 479, d, obs. 1. The repetition of quid (see also 39) seems to indicate an impatient demand for the admission of the point claimed. — **num . . . apparet**: *does there appear a single trace of eloquence?* — **L. Bruti**: emphatic position. In Brut. 14, 53, Cicero argues that his success was due to his eloquence; see also Liv. I. 59. — **sed**: resumes after the parenthesis; H. 554, IV. 3; M. 480. — **verborum**: for the case see A. 218, a; G. 374; H. 399, I. 3.

38. **publicis rebus**: note the rhythmic balancing of members, and cf. 1, 1; Intr. 9, 1, c. — **importata**: in expressing the same thought Cicero uses invecta in de Inv. I. 1, 1: ***non minimam video per dissertissimos homines invectam partem incommodorum.*** — **ut praetermittam**: A. 317, c; G. 545, 3, R. 3; H. 499, 2, N. —

pater: the father of the Gracchi, Tib. Sempronius, son-in-law of the elder Scipio, twice Consul, and Censor in 169, when, though otherwise distinguished, he performed his chief service in so manipulating the vote of the freedmen as to minimize their political influence. — **nutu**: *by a nod;* i.e. by the mere expression of his will. — **verbo**: *by a single word;* cf. II. 7, 27: *neque Antonium verbum facere patiar et ipse obmutescam;* 66, 268: . . . *cum parva re et saepe verbo res obscura et latens illustratur.* unus is similarly omitted often with vox and words denoting time, as, annus, mensis, dies, etc. — **urbanas tribus**: probably to the single city tribe, the Esquilina. The limitation to the four tribus urbanae had been brought about in 304 B.C. by the Censor Q. Fabius Maximus Rullianus; cf. Liv. XLV. 15. — **quam nunc vix tenemus**: in view of the serious disorders of the time, especially the disturbances caused by Saturninus and Glaucia, and the disgraceful condemnation of Rutilius Rufus. — **nullam**: = omnino non, as in 2, 8; Brut. 27, 106: *quae (quaestiones perpetuae) antea nullae fuerunt;* in Cat. I. 7, 6: *misericordia quae tibi nulla debetur*, etc. — **haberemus**: the temporal modifier (diu) throws the action back and makes the imperfect nearly equivalent to a plupf. — **avitis armis**: viz., of the elder Scipio, whose daughter Cornelia was the mother of the Gracchi. — **praeclara**: ironical; hence ut ais, *as you suppose.* — **gubernatrice**: the appositive placed before the noun to which it belongs (eloquentia), as often in Cicero; Intr. 9, 4; cf. pro Mil. 7, 16: . . . *avunculus huius iudicis nostri, fortissimi viri, M. Catonis.* — **dissipaverunt**: *squandered;* with reference to the distribution of public lands by agrarian laws; cf. Phil. II. 3, 6: *cum tu reliquias reipublicae dissipavisses.* Cicero varies in his estimate of the Gracchi and their measures, though we must remember that he is here putting words into the mouth of Scaevola. A more favorable opinion is expressed in de Leg. Agr. II. 5, 10: *non sum autem ego is consul qui ut plerique nefas esse arbitrer Gracchos laudare, quorum consiliis sapientia legibus multas esse video reipublicae partes esse constitutas.*

10. 39. **Quid**: see on 9, 37. — **moresque maiorum**: "the unwritten law of custom"; usually expressed by mos, but for the plur. in the same sense, cf. 11, 48; III. 20, 76: *eadem (vis eloquen-*

tiae) mores leges iura describat; Part. Or. 37, 130: *nostros mores legesque tueamur.* — **et ego et tu**: "I who am no orator, as well as you a famous one." — **versantur**: *are habitually practiced.* — **ab oratorum genere**: with a shade of contempt, like our "tribe"; cf. 2, 5; pro Flacc. 4, 9: *de toto genere Graecorum.* **ab or. gen.** goes with inventa and cognita, as well as with tractata.

40. **Ser. Galba**: as Praetor, waged war in Lusitania with perfidy, cruelty, and avarice; see Mom. III. 19. He was afterwards brought to trial by Scribonius Libo, Trib. pl., on which occasion no less a person than M. Porcius Cato appeared against him; but he so roused the pity of the judges by bringing his children into court, that he was acquitted; cf. 53, 227; Brut. 23, 89. — **Porcinam**: Cos. in 137, and the first of the Roman orators, according to Cicero (Brut. 25, 95), to achieve an artistic form of composition and the peculiar smoothness of the Greeks. — **Carbonem**: with reference to his oratory, see 34, 154; III. 7, 28: *profluens quiddam habuit Carbo et canorum;* Brut. 27, 105: *(Carbonem L. Gellius) canorum oratorem et volubilem et satis acrem atque eundem et vehementem et valde dulcem et perfacetum fuisse dicebat.* — **ignarum legum**: pred. accus.; A. 239, a; G. 340; H. 373, 1; in contrast with divinum hominem. — **haesitantem**: because he was not master of the subject. — **institutis**: = moribus; *legal usages*, making up the body of unwritten law. — **haec aetas nostra**: *this age of ours;* i.e. the men of our time. — **quod interdum pudeat**: *to a degree that sometimes shames one;* subjunc. of result; A. 319, 2; G. 631, 1; H. 500, 1.

41. **in extrema oratione**: viz., in 32. This error with regard to the order of the remarks of Crassus results from Scaevola's previous mention (35), in which this point is made the second. — **tuo iure**: a phrase of the courts. Cicero very happily represents Scaevola, the great lawyer, as using the technical terms of his profession. — **omnis sermonis disputatione**: *the discussion of any topic.* — **tuo regno**: viz., the country seat of Crassus. — **non tulissem**: Crassus, by the claims he has made for the orator (34), has trespassed on the possessions of others (in alienas possessiones tam temere irruisses), and thus rendered himself liable to certain actions at law which Scaevola goes on to

specify. — **multisque praeissem**: *I would have dictated to many the formula for an action;* an expression (often with an obj., as verba, or carmen, or with voce) used to denote the dictation, by the counsel, of the requisite words for introducing the suit. If a plaintiff failed to state the complaint in the prescribed legal terms he was non-suited. — **interdicto**: a judicial order issued by the Praetor in proceedings de possessione, forbidding all interference with the existing state of things. — **te ex iure . . . vocarent**: *call you out of court to engage in a struggle;* a formal challenge in the case of rival claims to property which could not be moved. Originally the parties to such a suit actually went to the disputed property, and in the presence of the Praetor engaged in a struggle for its possession; the challenge survived as a legal fiction; cf. pro Mur. 11, 25, where Cicero introduces the formula: *Fundum qui est in agro qui Sabinus vocatur ego ex iure Quiritium meum esse ais; inde ibi ego te ex iure manum consertum voco.* Whereupon the defendant replies: *Unde tu me ex iure manum consertum vocasti, inde ibi ego te revoco*, etc. — **consertum**: supine, see A. 302; G. 435; H. 546. — **irruisses**: irrumpere occurs in the same sense, III. 27, 108, and 41, 165.

42. **Agerent . . . lege**: *would bring an action against you.* i.e. by the same process. — **in iure**: *in court;* i.e. before the Praetor; cf. Gaius, 4, 96: *ut nihil in iure vindicare possint.* — **physici**: Democritus and Pythagoras represent of course the pre-Socratic period, when philosophy was mainly devoted to physical inquiries. — **ornati**: the epithet transferred from the speech to the speaker. — **sacramento**: each of the contending parties at the commencement of a process deposited a certain sum, called sacramentum, which was forfeited to the public treasury by the loser; hence iusto, a deposit made in a causa iusta, i.e. one that would not be lost. A sacramentum iniustum is mentioned in pro Mil. 27, 74. — **greges**: *schools;* cf. de Fin. I. 20, 65: *Epicurus una in domo . . . tenuit amicorum greges;* Lael. 19, 69: *in nostro ut ita dicam grege.* — **fonte et capite**: *source and fountain-head;* Intr. 9, 1, t: cf. 44, 195. For the position of Socrates in philosophy, see III. 16, 60, ff.; de Fin. II. 1, 1. — **de bonis rebus . . . de malis**: i.e. *ethics;* cf. Tusc. Disp. V. 4, 10: *Socrates autem primus philosophiam devocavit a caelo et in urbi-*

bus collocavit et in domus etiam introduxit et coëgit de vita et moribus rebusque bonis et malis quaerere. — **de ratione vitae**: "the guidance of life by reason." — **nihil scire**: cf. Acad. II. 23, 74: *multi sermones perscripti sunt, e quibus dubitari non possit quin Socrati nihil sit visum sciri posse; excepit unum tantum, "scire se nihil scire," nihil amplius.* — **singulae familiae**: each (as we see in 43) with its own peculiar methods.

43. **Academia**: the philosophers of the New Academy, following Arcesilaus and Carneades, taught that the human mind can only attain to probability (probabile), and that any assertion may be both defended and refuted; hence their habit in utramque partem disputandi. The Stoics were famous for logical subtlety, and this trait made their philosophy a favorite with the Roman jurists (hence nostri); cf. Tusc. Disp. V. 27, 76: *ut iam a laqueis Stoicorum, quibus usum me pluribus quam soleo intellego, recedamus;* cf. Mom. III. 512, ff. The Peripatetics included rhetoric in the circle of their teaching, so that their writings were especially valuable to orators; cf. de Fin. V. 3, 7: *ad eos (Peripateticos) igitur converte te, quaeso; ex eorum enim scriptis et institutis cum omnis doctrina liberalis, omnis historia, omnis sermo elegans sumi potest, tum varietas est tanta artium, ut nemo sine eo instrumento ad ullam rem illustriorem satis ornatus possit accedere. Ab his oratores, ab his imperatores ac rerum publicarum principes exstiterunt.* — **vincerent**: as if vincerent dicendo; cf. 3, 11, comparare.

44. **missos facio**: *I say nothing about;* like mitto dicere, and omitto; as compared with the simple verb (mitto, or omitto) it is emphatic. A. 292, d; G. 537, N. 2. — **grammaticos**: see 3, 10; huic studio litterarum. — **artibus**: *sciences.* — **societate coniungitur**: cf. Brut. 1, 2: *vir egregius coniunctissimusque mecum consiliorum omnium societate.* — **praestare**: *accomplish*, synon. with efficere and consequi. — **probabilior**: *more plausible.* — **in sententiis dicendis**: viz., in the deliberations of the senate. — **stultis**: cf. de Off. II. 14, 51: *patroni est nonnunquam veri simile, etiam si minus sit verum, defendere.* Wilkins remarks that his practise quite bore out his theory, and quotes Quintil. II. 17. 21: *Cicero . . . se tenebras effudisse iudicibus in causa Cluentii gloriatus est.* — **poteris**: cf. 20, 89; 26, 120.

— **sua quadam propria**: cf. 13, 56; sua represents the gen. of the personal pron. which does not occur with proprius. — **Crassus . . . posse**: note the double antithesis and the chiasmus.

11. 45. **ista**: "such views." — **quaestor**: Crassus had been Quaestor in Asia in 110 B.C. (see III. 20, 75), and may have returned through Macedonia, or it may be a mere slip of the memory. — **Academia**: the new Academy, founded by Carneades. — **ferebatur**: Crassus gives only the popular impression, not claiming to be an authority in matters of philosophy. — **Charmadas**: famous also for his remarkable memory; cf. II. 88, 360, and Tusc. Disp. I. 24, 59. — **Clitomachus**: from Carthage, originally named Hasdrubal, a pupil of Carneades, and his successor in the Academy. After the destruction of his native city he sent a letter of condolence to his countrymen; Tusc. Disp. III. 22, 54. — **Aeschines** was from Neapolis; Metrodorus from Stratonicea. Another Metrodorus, of Scepsis, who was also a follower of the Academy, is mentioned in II. 88, 360; 90, 365; III. 20, 75. — **Carneades**: of Cyrene, b. 213, d. 129, B.C., a member of the famous embassy in 155, which produced so profound an impression upon the Romans. Diog. Laert. IV. 9, 62, speaks of him as μεγαλοφωνότατος ἐν ταῖς ζητήσεσι δύσμαχος. Cicero commends him as a model for speakers, especially in force, II. 38, 161; III. 19, 71. — **acerrimum et copiosissimum**: *most keen and eloquent.* — **vigebat**: *was in high repute.* — **Panaetius**: b. 180 B.C., a pupil of the Stoic Diogenes, friend of the younger Scipio, of Laelius, and of Scaevola (hence illius tui), was occupied for some time as teacher of the Stoic philosophy in Rome, and afterward was at the head of that school in Athens. His work περὶ τοῦ καθήκοντος was taken by Cicero as the source of his treatise de Officiis. Mnesarchus was his successor in the direction of the Stoic school, as Diodorus was of Critolaus in the Peripatetic. Critolaus, Diogenes, and Carneades were the members of the commission sent to the Roman senate in 155, referred to above.

46. **clari**: cf. II. 38, 157: *ex tribus istis clarissimis philosophis;* but the term is usually employed to express distinction won in civil and military life. — **nobiles**: *famous.* — **rerumque maiorum scientia**: viz., philosophy, history, and literature, which last may be made to include politics and law; cf. 43, 193, ff. — **tantum**:

here an adverb, as in 15, 65, but seldom so used by Cicero. — **in iudicia . . . compingi**: *thrust down and shut up within tribunals and petty meetings as in some workshop;* note the order of words in this member of the period, as compared with repelli, excludi (chiasmus). — **contiunculas**: diminutive of contempt. — **in**: the preposition is regularly repeated in comparisons after tamquam and quasi; cf. II. 6, 22: *ex urbe tamquam e vinculis*, and often. — **pistrinum**: the *mill* (pistorinum < pistor < pinso) where slaves were kept at hard work, usually in the cellar (hence detrudi); cf. Ter. Andr. 199; *Verberibus caesum te in pistrinum, Daue, dedam;* and 214: *praecipitem in pistrinum dabit;* and often in comedy. For the thought, cf. Tac. Dial. de Or. 32: *ut . . . in paucissimos sensus et angustas sententias detrudant eloquentiam velut expulsam regno suo.*

47. **harum disputationum**: *discussions of this kind;* i.e. on the nature and aim of eloquence, as in the Phaedrus and Gorgias. — **inventori et principi**: cf. 19, 91; also Tusc. Disp. I. 21, 48, where Epicurus is referred to as *inventor et princeps* of the naturae cognitio; and Acad. II. 42, 131, Zeno, as *inventor et princeps Stoicorum;* and see Intr. 9, 1, t. — **gravissimo**: *most impressive*, with reference to the force which his character, attainments, and convictions gave to his words. This word, and not eloquentissimo, should be connected with in dicendo; see on 49. — **eloquentissimo**: cf. 11, 49: *divinitus est locutus;* for the position of explanatory appositives, see 9, 38; Intr. 9, 4. — **Gorgiam**: in which rhetoric is identified with sophistry and made the subject of ridicule, as compared with true philosophy; cf. 22, 103; III. 32, 129: *Leontinus Gorgias, quo patrono, ut Plato voluit, philosopho succubuit orator.* — **quo in libro**: note the force of in, as though some such word as versatus or occupatus were to be supplied, and cf. II. 17, 73: *in his operibus si quis illam artem comprehenderit.* — **oratoribus irridendis**: equivalent to cum oratores irridebat; for the construction, cf. II. 8, 34: *qui actor imitanda, quam orator suscipienda veritate iucundior?* — **Verbi . . . Graeculos**: *a controversy about the meaning of the word has long been worrying the Greeklings.* — **Verbi**: for the case, see A. 217; G. 363; H. 396, III. — **diu torquet**: the pres. with adverbs which denote duration of time may be used to state

an action begun in the past and continuing in the present. — **Graeculos**: with contempt; cf. 22, 102; 51, 221; 11, 46: *contiunculas.*

48. **Nam si** . . .: to be connected with Sed ego neque illis adsentiebar, etc. — **in iure aut in iudiciis**: including the two parts of a civil process, proceedings before the *praetor* and those before the *jury;* cf. 10, 42; 38, 173. — **multa**: *many accomplishments.* — **morum**: as in 10, 39: "traditional legal usages." — **natura**: sing., because the nature common to all men is meant. — **moribus**: its connection with natura hominum gives the word a meaning different from that above, *character, moral traits.* — **satis callide et perite**: *with due intelligence and skill;* but see Intr. 9, 1. — **cognoverit**: fut. pf., A. 316; 307, c; G. 593, 595; 244, 2; H. 507, III. 2, 508, 2. — **minima**: viz., satis callide et perite versari. — **quid huic abesse poterit**: *what will he lack;* lit., *what can be lacking to him.* He who has made a thorough study of politics, law, and psychology will have the essential elements of scholarly training required by the orator even in the narrowest sense of that term. — **sin oratoris**, etc., delineates a higher ideal of the orator, and answers to 10, 44, ut prudentibus diserte videare dicere, as si quis, etc., at the beginning of 48, does to 10, 44, ut in iudiciis . . . valeat oratio. — **composite**: with reference to harmonious and rhythmic order (collocatio); ornate: with reference to elegant taste (elocutio); copiose: with reference to wealth of subject matter (inventio). — **quaero**: see on 2, 8: qui convertat. — **ea scientia**: viz., maximarum rerum scientia. — **conceditis**: as in 14, 59: you and those who share your views. — **ei**: A. 232, a; G. 354; H. 388. — **dicet**: there is a transition from a general principle to a particular future case, as in II. 42, 178: *nihil est enim in dicendo maius, quam ut faveat oratori is, qui audiet.* — **exstare**: equivalent to conspicua esse: *be displayed.*

49. **physicus ille Democritus**: see 10, 42: physicus placed first, as in 11, 45 (Peripatetici Critolai), because Democritus is mentioned as the representative of the school; cf. Plut. Qu. Symp. v. 7, p. 683: *τὸν ἄνδρα τῇ λέξει δαιμονίως λέγειν καὶ μεγαλοπρέπως.* — **in dicendo**: to be taken of course with suaves and ornati; the general expression eloquentes does not require it. We need not be troubled by the tautology. — **sint eae res**: the

emphatic statement of a concession in relation to a preceding conditional sentence, regularly brings the verb to the front; cf. Acad. II. 32, 105: *Haec si vobis non probamus, sint falsa sane, invidiosa certe non sunt;* Brut. 84, 289: *Qua re si anguste et exiliter dicere est Atticorum, sint sane Attici,* etc. — **rationis**: *department.*

50. **Chrysippum**: he was of Soli in Cilicia, b. 280, d. 208, B.C., pupil of Zeno and Cleanthes, and successor of the latter at the head of the Stoa, a man of varied attainments as a scholar and of great acuteness in dialectics. He was so eminent as a philosopher that it was said of him, *εἰ μὴ γὰρ ἦν Χρύσιππος, οὐκ ἂν ἦν Στοά.* — **neque**: adversative, without tamen; *and yet did not for this reason fail to satisfy philosophy;* i.e. was not deficient in philosophy. — **philosophiae**: for the case, see A. 227, e, 2; G. 346; H. 384, 4, N. 1. — **habuerit**: looking back to quosdam, but attracted to the sing. by Chrysippum; see 18, 83, dicebat. — **ex arte aliena**: *from an art not closely related* (to eloquence); cf. 14, 62: *de alieno artificio.*

12. **qui**: *how;* A. 104, c; G. 105; H. 187, 1. — **exilitate**: *meagerness.* — **erit**: i.e. it will appear from the comparison; hence followed by the pres., adferunt. — **adferunt proprium**: *claim as their own.* — **compositam orationem**: *a harmonious style;* cf. 11, 48, and 15, 64: orationem in the case of proprium by attraction; Intr. 9, 3; cf. 25, 114, linguae solutio, etc. — **artificio . . . distinctam**: *marked by a certain artistic finish;* hendiadys. — **Haec autem oratio**, etc.: for the thought, cf. 5, 17; 6, 20; 11, 48. — **aut nulla sit**: nulla is a mark of familiar style. It negatives the subject rather than the predicate; G. 317, 2, N. 2; H. 457, 2, 3.

51. **sonitus inanis**: cf. Tusc. Disp. V. 26, 73: *inanis sonos fundere.* — **quacumque**, and **quocumque**: = quavis and quovis, in which uses quicumque and quisquis occur elsewhere in Cicero only in the phrases quacumque ratione and quoquo modo; for the succession of interrogatives cf. 3, 9. — **artifex**: one skilled in the practice of a special art.

52. **esse quasdam . . . causas**: *that there are certain lines of thought and causes that are the orator's own.* — **cancellis**: *railings.* — **in his . . . versari**: such limitation represents also the view of Cicero; cf. 6, 22. — **magistri qui rhetorici vocantur**:

represents the Greek ῥητορικοὶ διδάσκαλοι, a class of teachers somewhat unfamiliar as yet to the Romans.

53. **Quae**: viz., the above results of oratorical activity. For the government of quae the reader is led to expect some such form as praestare non poterit; but the length of the intervening sentence makes it necessary for the clear development of the thought to repeat the object, and it takes the form of a clause (quod volet), while the foreshadowed verb becomes perficere. The anacoluthon is not uncommon, but many editors have sought to simplify the sentence by substituting quare for the quae of the Mss., and Piderit gives quoad for quod, which is not followed, however, by Harnecker. — **quod volet**: *his aim.* For similar circumlocution see 3, 10: *quod voluerit consecutus sit;* 5, 19: *quod expetunt consequi;* 26, 118: *quod quaerimus omittere;* 30, 135: *quo intendas*, etc. For the tense of volet, see A. 278, b; G. 242, R. 1; H. 470, 2. The English admits of the present in such subordinate propositions; "he will not be able to accomplish what he *wishes*." — **humanitatis**: used in a sense different from that in 8, 32, — "the whole-range of human sentiments."

54. **Atque**: *and indeed* (in a tone of concession). — **locus**: *topic*, viz., with respect to the passions. — **me auctore**: "with my advice"; cf. 59, 251; III. 14, 54: *Qua re istos omnis me auctore deridete.* — **voluerint**: for the mood, see A. 321; G. 541; H. 516, II. — **tractationem orationis**: *treatment by means of speech;* i.e. the power to express and produce feeling by speech, not the development of the theory of the emotions. — **illa scientia**: for illarum rerum scientia. — **nulla**: see on 12, 50. — **adsumet**: *he will take in addition.* The orator may leave systematic discussions of the sensibilities to the philosopher, but he must not be without a knowledge of the subject, and besides, must be able to adapt his speech to the purposes of producing and controlling the emotions. — **gravis**: *impressive.*

13. 55. **Quibus de rebus**: viz., concerning oratio gravis et ornata, etc. The paragraph as far as appellant is a digression to meet a possible objection, after which the thought is resumed. — **Aristotelem**: in his Rhetoric. The treatise of Theophrastus, περὶ λέξεως, is lost. — **vide ne**: a polite form to introduce a mild assertion; see G. 548, N. 4; M. 372, b. obs. 1; and cf. 55,

235; II. 17, 71. — **a me**: i.e. *in my favor*; = pro me; **viz.**, when I say tractationem orationis propriam oratoris esse; cf. the expression stare ab aliquo, *to be on one's side*, *speak for him*. — **cum illis communia**: for Crassus insists that this knowledge of the emotions and moral principles is a common possession of the orator and the philosopher. — **de his rebus**: viz., as above, de oratione gravi et ornata, etc.

56. **loci**: *topics*. — **de communi . . . iure**: the passage has probably been corrupted by explanatory glosses. The ius civium would hardly belong to these general commonplaces, and is discussed further on (58). The brackets of Sorof suggest on the whole the best reading. The phrase commune gentium ius, it is true, is much more common than commune hominum ius, but for this very reason, as Wilkins says, the latter is the more likely to have been explained by a gloss. — **aequitate**: = (in the scheme of virtues) iustitia. — **gymnasia**: mentioned in this connection because the philosophers delivered their lectures in them; cf. II. 5, 21: *nam et saeculis multis ante gymnasia inventa sunt, quam in eis philosophi garrire coeperunt, et hoc ipso tempore, cum omnia gymnasia philosophi teneant, discum audire quam philosophum malunt*. — **propria**: see on 10, 44. — **nihil omnino**: *absolutely nothing*.

57. **angulis**: in contrast with the publicity of practical life; cf. de Rep. I. 2, 2: *virtus in usu sui tota posita est, usus autem eius est maximus civitatis gubernatio et earum ipsarum rerum quas isti in angulis personant, reapse, non oratione perfectio*. — **tribuam et dabo**: cf. 11, 48: *tribuat et concedat*. — **ut eadem . . . explicet**: *that he may expound with delightful impressiveness the same topics which they discuss in a kind of tame and lifeless style*. — **exsangui**: cf. ad Her. IV. 11, 16: *veniunt ad aridum et exsangue genus orationis*. — **Haec ego**: see on 17, 76: *Quas ego*. — **Athenis**: see 11, 45. — **M. Marcellus**: nothing further is known of him. He urged Crassus to the discussion at Athens as Cotta and Sulpicius do here.

58. **de conventis**: an ingenious correction of Sorof, on the ground that under similar circumstances "contracts" are often mentioned with leges. The best Mss. read leges tuendis, retained by Stangl; but tuendis is bracketed by Kayser and

Bake, and rejected by Harnecker after Piderit. Wilkins thinks de legibus constituendis may be right. The reading of Sorof preserves the balance of the sentence, grouping the thoughts in pairs; Intr. 9, 1. — **vectigalibus**: *tributaries*, here masc. — **de iure civium . . . discripto**: *concerning the rights of citizens, assigned by classes according to ranks and ages;* not descripto; see II. 71, 288: *Sed haec ipsa nimis mihi videor in multa genera discripsisse;* pro Flacc. 7, 15: *quae scisceret plebes aut quae populus iuberet summota contione distributis partibus tributim et centuriatim discriptis ordinibus, classibus, aetatibus*, etc.; de Leg. Agr. II. 31, 85: *duodena discribit in singulos homines iugera.* — **Lycurgum et Solonem**: as representative lawgivers. — **nostri**: subject of anteponant; *let our countrymen give the decemviri pre-eminence over Servius Galba*, etc. — **quos necesse est fuisse prudentes**: as is evident from the excellence of their work; see 44, 195. — **in hoc genere**: *in this respect.* — **Ser. Galbae**: see on 10, 40. — **C. Laelio**: 9, 35.

59. **partis**: sc. eloquentiae, as psychology and ethics, in opposition to de omnibus rebus, below. — **sed**: sc. dicam, suggested by Numquam negabo. — **plenum atque perfectum**: often thus united; Intr. 9, 1, t, and 9, 12; cf. de Fin. IV. 14, 36: *perfecta et plena sententia;* ad Her. II. 20, 31: *perfectam et plenam argumentationem.* — **dicere**: the emphatic position gives prominence to this distinctive mark of the orator.

14. obscuriore scientia: equivalent to obscuriarum rerum scientia; cf. 3, 11: liberalissimis. — **promendum atque adsumendum**: *must be derived and taken in addition;* i.e. to the forensic knowledge conceded to orators; see 12, 54; 29, 133, etc.

60. **num**: see A. 210, c; G. 456; H. 351, 1, N. 3. — **rei . . . usu**: *experience in military affairs.* Cf. Lael. 2, 6: *multarum rerum usum;* Caes. B. G., VI. 40, 3: *nullo etiam nunc usu rei militaris percepto.* An example would be Cicero's speech pro lege Manilia. — **saepe**: "as is often the case." — **de omni . . . genere**: *on all branches of public administration.* — **summa . . . prudentia**: *the most complete theoretical and practical knowledge of civil affairs.* — **num admoveri possit oratio**: *can speech be employed.* — **sensus**: cf. 51, 222. — **unum**: emphatic pleonasm; cf.

8, 30; Or. 37, 128: *in quo uno regnat oratio;* 21, 69: *id unum ex omnibus . . . potest plurimum.* — **rationum**: *principles.*

61. **haud scio an minus**, etc.: *perhaps I shall not*, with the force of a modest affirmation; G. 457, 2. — **dubitabo**: the future is often thus used in relation to an action which immediately follows; cf. 12, 52: *fatebor;* 13, 59: *negabo;* 38, 172: *dubitabo;* 60, 256: *repugnabo;* II. 35, 150: *complectar*, etc. — **quod sentio**: = sensa (8, 32); cf. 12, 53: *quod volet.* — **paulo ante**: in 10, 42 ff. — **scientiae**: gen. sing., *belong to the knowledge of those*, etc. Wilkins notes that Cicero uses artes cognitiones, and once (Tusc. Disp. III. 42) sapientiae, as the plural of scientia; with the possible exception of de Sen. 78, there is no instance of the plur. before Vitr. — **inlustrare**: *to present clearly.*

62. **rationem**: *account.* Philo (300 B.C.) was a writer as well as a skillful architect; cf. Val. Max. VIII. 12, 2: *Gloriantur Athenae armamentario suo; nec sine causa; est enim illud opus et impensa et elegantia visendum. Cuius architectum Philonem ita facunde rationem institutionis suae in theatro reddidisse constat, ut disertissimus populus non minorem laudem eloquentiae eius quam arti tribueret.* — **artificio**: "by virtue of his skill as an architect." — **huic M. Antonio**: *our Antony;* cf. 29, 131: *hunc Cottam*, and often. — **Hermodorus**: a shipbuilder of that name from Salamis is said by Priscian to have built the temple of Mars in the Flaminian circus, and it is usually thought that this is the one here referred to. What dockyard he built is not known. — **causam**: cf. 12, 51: *clientis causam.* — **usi sumus**: Asclepiades must have been no longer living. — **is quo**: the relative strengthened to emphasize the importance of the added thought; quo alone would mark it as merely incidental. The force of the negatives must be carefully noted throughout the section; in this sentence Neque vero extends through to non eloquentiae: "*nor did Asclepiades when he was eloquent employ his skill in physic and not that of oratory.*" — **non eloquentiae**: to vary the expression, potius quam being used above.

63. **probabilius**: *more plausible*, sc. quam verius; instead of which the writer says neque tamen verum. — **neque**: *and yet not.* — **dicere solebat**: see Xen. Mem. IV. 6, 1: *Σωκράτης γὰρ τοὺς μὲν εἰδότας, τί ἕκαστον εἴη τῶν ὄντων, ἐνόμιζε καὶ τοῖς ἄλλοις ἂν*

ἐξηγεῖσθαι. — **si optime sciat**: si concessive, *even if* = quamvis bene sciat. — **ignarusque**: "and yet should be ignorant." — **faciundae**: cf. II. 9, 36: *verborum faciendorum;* III. 48, 184: *orationem quae quidem sit polita et facta quodam modo;* Or. 51, 172: *orationis faciendae et ornandae auctores.*

15. 64. **oratoris vim**: *the import of the word orator.* — **universam**: cf. II. 39, 164: *si res tota quaeritur, definitione universa vis explicanda est.* — **is orator erit**: a shorter form for dicet eum esse oratorem; cf. 2, 8: *qui convertat.* — **res**: *subject, topic.* — **prudenter**: *with intelligent insight.* This with the following particulars answers to the work of the orator in its fivefold parts, as, inventio, dispositio, elocutio, memoria, actio. — **memoriter**: as in 19, 88, and regularly, *with accurate memory.* — **etiam**: cf. 1, 1.

65. **quod ita posui**: *what I have thus stated.* — **circumcidat atque amputet**: *he may clip off and remove;* cf. de Fin. V. 14, 39: *ars agricolarum, quae circumcidat, amputet;* Acad. II. 45, 138: *circumcidit et amputat multitudinem;* Intr. 9, 1, t. — **tantumque**: adv. as in 11, 46. — **quae sunt in . . . forensi**: *which belong to the discussions and practice of the forum;* for this meaning of esse in, cf. II. 1, 3: *nullius rei, quae quidem esset in his artibus.* The repetition of in before usu is not necessary, since usu forensi is added merely to explain disceptationibus; cf. III. 29, 111: *quae in civitate et forensi disceptatione versantur.* — **his de rebus**: viz., ceteris de artibus atque studiis.

66. **huic Sulpicio**: see on 14, 62. — **adfini nostro**: the son of Marius had married Scaevola's daughter. — **pronuntiabit**: *will deliver;* cf. II. 30, 131: III. 35, 140; *to pronounce* is appellare or dicere. — **tecum communicabit**: *will consult with you;* cf. 58, 250.

67. **de natura**: i.e. *human nature,* as ethical topics are here considered; and perhaps hominum has by mistake of the copyist been placed after vitiis instead of after natura. For the use of the plur. in this sense, cf. 12, 53; 14, 60; 36, 165; III. 31, 124. — **Sex. Pompeio**: the uncle of Pompeius the Great, a Stoic philosopher, distinguished also for his attainments in the civil law and mathematics. — **erudito in philosophia**: cf. 59, 253: *erudire in iure civili;* so often *rudis in aliqua re.* — **communicarit**: the

subj., which always stands with forsitan (A. 311, a, N. 3; G. 457, 2, N.; H. 485, N.), has here a potential force, and begins the conclusion whose second member is hoc profecto efficiet. — **quamcumque rem**: a general conclusion instead of a special one applied to Sex. Pompeius.

68. **tris partis**: viz., physics, dialectics, and ethics. — **tributa**: as often for distributa, or divisa; cf. de Fin. II. 6, 17: *omnem vim loquendi (Zeno) ut iam ante Aristoteles in duas tributam esse partis*, etc.; also Brut. 41, 152: *quae doceret rem universam tribuere in partis.* — **relinquamus**: for praetermittamus. — **largiamur inertiae nostrae**: *let us bestow them upon our leisure.*

69. **hic locus**: *this division*, or *department.* — **si non didicerit**: *if he has not studied.*

16. **doctos**: men of critical skill, as well as learning. — **optimis versibus**: Cicero translated it, and a part of his version is still extant. — **Aratum**: the position is unusual, though Cicero often does place the appositive before the substantive to which it belongs; cf. 9, 38: *eloquentia;* and see Intr. 9, 4. — **Nicandrum**: (about 150 B.C.) wrote a poem Γεωργικά, which Vergil made use of in his poem of the same name. — **non rustica**: in conformity to the construction poetica facultate, instead of rustici hominis; cf. 29, 133: *rhetorico.* — **ad certam causam tempusque**: *for a particular purpose and occasion.*

70. **finitimus**: *akin;* cf. III. 7, 27: *poetis, quibus est proxima coniunctio cum oratoribus.* — **numeris adstrictior paulo**: *a little more restricted in meter.* Both must observe rhythm, but the poet must besides attend to metrical cadences. — **quidem certe**: cf. III. 13, 51: *vobis quidem certe;* pro Sest. 7, 16: *ignarus quidem certe;* Cat. Mai. 2, 6: *volumus quidem certe senes fieri*, and often; quidem gives emphasis to the word immediately preceding, while certe expresses a more general limitation. — **ius suum**: the *sphere* to which he is legally entitled; an allusion to 10, 41.

71. **nam quod illud**, etc.: *as to the fact that you said you would not have endured*, etc.; see M. 398, b, and obs. 2. — **negasti**: in 10, 41. — **dixerim**: in 8, 34. — **quem fingo**: *whom I represent*, i.e. *mould,* as an artist; cf. Or. 2, 7: *atque ego in summo oratore fingendo talem informabo*, etc.

72. **Sed**: the turn suggested by sed is something like this: "I

must however insist upon this high ideal of the orator, though I do not myself attain to it." — **saepe**: often added to solebat; cf. 27, 124; 28, 129. It is quite possible that Lucilius spoke thus of poets, and that Crassus (or Cicero) transferred the remark to orators on account of their near kinship. Lucilius was the famous satirist, Horace's model (148–103 B.C.), and of whom Quintilian says, X. 1, 94: *fuit eruditio in eo mira et libertas atque inde acerbitas et abundantia salis.* — **tibi subiratus**: *somewhat unfriendly to thee;* A. 93, e; H. 344, 5. The proof of this is found in Lucilius' satirical criticism of Scaevola. The reason can only be conjectured. Lucilius set a high value upon general culture, which Scaevola may have disparaged in the pride of his special legal knowledge. — **perurbanus**: *very polite*, i.e. as a writer characterized by the elegance and polish which could only be acquired in the *city*. — **sic sentio**: with reference to what follows, not to ut solebat. — **libero**: see on 5, 17, libero. — **si**: see on 14, 63. — **exstat**: cf. 11, 48, exstare.

73. **pila**: see 50, 217; II. 62, 253, and Becker's Gallus, p. 398. Ball-playing was a diversion to which even eminent and elderly men resorted; Hor. Sat. I. 5, 48, 49. — **artificio**: *trained skill, knack.* — **didicerintne palaestram**: *whether they have had gymnastic training;* cf. III. 22, 83. — **qui aliquid fingunt**: *who form anything* (as sculptors). — **etiam si . . . artes**: *even if other arts should not be specially employed;* but they *may* be, hence the subjunctive. — **opere**: used with contempt, as though the task were mechanical; cf. 18, 83: *operarios lingua celeri et exercitata.* — **sit iactatus**: (stronger than versatus;) *he has flung himself about;* as though the training were mainly that of violent gesticulation; cf. III. 10, 39: *qui in veteribus erit scriptis studiose et multum volutatus.*

17. 74. **luctabor**: *strive;* a playful allusion to the exercises of the palaestra; so, artificio, *trick*, as of wrestling. The tone is denoted by Scaevola's smile. — **ut . . . concederes**: in apposition with id, by which it is anticipated; cf. 7, 28; 10, 44; 33, 149, and often. — **quae ego vellem**: i.e. a knowledge of philosophy and politics; see 12, 54, and 13, 59, ff. — **nescio quo modo**: Crassus has made good his original position, but so skillfully has he mingled claim and concession that Scaevola could not foresee

the result as the argument advanced. The orator must have a general survey of all knowledge, but need not go into technical details. — **traderes**: cf. 13, 57: *tribuam et dabo.*

75. **Quae**: the same as ea ipsa above; as the object of inrisit, it is repeated (with specific limitation) in philosophiam, a looseness of expression which some have sought to avoid by other readings, as, philosophiamque (P.), [philosophiam] (K); but such anacoluthons are not uncommon in Cicero (see on 12, 53), and seem to be brought in at times intentionally to impart a free and conversational tone; see Intr. 9, 2. — **Rhodum venissem**: 121 B.C. — **Apollonio**: not to be confounded with Apollonius Milo (also from Alabanda), the teacher of Cicero. — **graviter**: "with convincing force." — **non ut**: so regularly for ut non when sed follows, with which ut must be repeated. — **comites ac min.**: cf. Or. Part. 78: *sunt autem aliae quasi ministrae comitesque sapientiae;* pro Leg. Man. 13, 36: *multae sunt artes eximiae huius administrae comitesque virtutis.*

76. **Quas ego**: ego drawn back out of its own clause, according to Cicero's practice of bringing pronouns together; Intr. 9, 10; cf. 32, 145. There is a further reason for it here, however, — to break the unpleasant repetition of *s* sounds, quas si quis sit. — **unus**: for the sake of contrast with omnes; cf. 49, 212. — **pace horum dixerim**: apologetic; A. 311, b; G. 257; H. 486, 1; cf. Tusc. Disp. V. 5, 12: *pace tua dixerim;* p. Mil. 38, 103: *pace tua dixerim.* bona tua venia is similarly used.

77. **quin scias**: = ut id nescias, looking back to deest; cf. ad Fam. V. 12, 2: *deesse mihi nolui quin te admonerem.* — **eam scientiam**: with reference to what is stated in 16, 71. — **videamus ne**: a more polite form for the usual vide ne. — **res et veritas**, etc.: *than the actual case allows;* cf. Tusc. Disp. V. 5, 13: *cum autem animum ab ista pictura imaginibusque virtutum ad rem veritatemque traduxeris, hoc nudum relinquitur;* 33, 149: *veritatem.*

78. **nos**: plur. for sing.; A. 98, b; G. 204, R. 7; H. 446, N. 2. — **agendum . . . cognoscendum**: *practice,* — *theory.* — **quos in foro . . . confecit**: *whom actual business in the forum,* etc., *absorbed before I was able to get any idea of the magnitude of the*

undertaking. — **ambitione**: i.e. honorum petitione. — **conficere**: cf. 21, 94, where obruere is used to express a similar thought.

79. **tantum in nobis**: cf. 27, 123: *ut in quoque plurimum esset.* Slightly different, and more in accordance with Cicero's usage, is II. 1, 4: *fuit hoc in utroque;* II. 2, 6: *eloquentiam qualis fuit in Crasso et Antonio,* where the expression is used of a special characteristic or gift. — **doctrina**: *thorough training.* — **studium illud discendi acerrimum**: *that most eager desire for learning.* — **defuit**: repeated, as is regular with the common predicate of a negative and positive sentence which form a contrast; cf. Tusc. Disp. I. 48, 116: *Cui rationes eae, quae exquisitius a philosophis conliguntur, defuerunt, ubertas orationis non defuit;* also III. 5, 11: *eius modi est ut furor in sapientem cadere possit, non possit insania.* — **si ad alicuius**, etc.: *if those attainments which I have not acquired should be added to the even greater genius of some man* (yet to arise); alicuius: Cicero's obvious allusion to himself.

18. 80. **rationem naturamque**: a similar grouping of governing and dependent nouns in pairs is seen in 25, 114, conformatio . . . corporis, with the difference that here there is chiasmus (A. 344, f; G. 682; H. 562); rationem, *system*, going with artium, naturam with rerum; Intr. 9, 1, p.

81. **praesertim**: see on 6, 21. — **Aliud**: (i.e. alienum ab usu forensi;) emphatic; *quite another kind of speech, that of those men whom you just now mentioned, seems to me to be.* — **eorum hominum**: see 11, 49. — **nitidum . . . laetum**: *polished . . . florid.* In the former the figure is that of a sleek, well-fed, and well-groomed animal (Hor. Ep. I. 4, 15); in the latter that of luxuriant plant growth, as laetae segetes, III. 38, 155. nitidum is especially suited to the following palaestrae et olei.

82. **Namque**: the reason which namque leads us to expect is not formally stated, but is contained in 83, viz., the opinion of the Greeks, especially Mnesarchus, that the orator must be a man of true wisdom. The passage is loosely constructed (perhaps to keep up the impression of informal conversation), and 82 is logically unimportant. — **qui attigissem**: for the mood, see A. 320, e; G. 634; H. 515, III. — **pro consule**: in the year 102, during his Praetorship; Intr. 3, b. — **tum ibi**: for the arrange-

ment, cf. 45, 200: *maxima cotidie frequentia civium*, and see on 8, 32: *tam porro regium*. — **sed**: the delay was not without advantage and interest to Antony, though he was compelled to make it. — **modo**: cf. 11, 45. — **cum hoc . . . increbruisset**: *when it had in some way or other become current among them*. — **de officio et de ratione oratoris**: *concerning the function and the procedure of an orator*; de repeated to mark the conceptions as different; G. 414; H. 636, III. 6; M. 470; see on 15, 65: *quae sunt in disceptationibus*, etc.

83. **dicebat**: in agreement with Mnesarchus instead of alii; see on 11, 50: *quod non habuerit*; Intr. 9, 3. — **operarios**: *mechanics*, with disparagement. — **sapiens**: because the philosopher alone has any true understanding. Its use here reminds of the Stoic paradox, *ὅτι μόνος ὁ σοφὸς πλούσιος*, Cic. Paradox VI.; cf. Hor. Sat. I. 3, 124: *Si dives qui sapiens est*, etc. — **scientia**: according to the Stoic scheme the virtues were based upon knowledge. — **constaret ex**: in use like contineretur: cf. II. 24, 104: *ex crimine causa constat*; de Off. I. 44, 157: *virtus, quae constat ex hominibus tuendis*; de Deor. Nat. III. 15, 38: *Temperantia autem constat ex praetermittendis voluptatibus*; more frequently, however, used of a subject which may be conceived of as made up by the union of parts. — **unam . . . virtutem**: cf. Diog. Laert. VII. 125: *τὰς δὲ ἀρετὰς λέγουσιν ἀντακολουθεῖν ἀλλήλαις, καὶ τὸν μίαν ἔχοντα πάσας ἔχειν, εἶναι γὰρ αὐτῶν τὰ θεωρήματα κοινά*. — **aequalis et paris**: Intr. 9, 1, t; cf. III. 14, 55: *est enim eloquentia una quaedam de summis virtutibus; quamquam sunt omnes virtutes aequales et pares*; according to the Stoic doctrine, *ἴσα τὰ ἁμαρτήματα καὶ τὰ κατορθώματα*. — **spinosa**: *obscure*, in view of its dialectic subtleties, while exilis has reference to its dry and uninteresting character; cf. de Fin. III. 1, 3: *Stoicorum . . . subtile vel spinosum potius disserendi genus*. — **abhorrebat**: a strong word; *offensive to my ideas*.

84. **mos patrius**: a practice which passed from master to disciple as from father to son, originating in the skepticism of Arcesilaus, the founder of the Middle Academy. — **adversari**: cf. 62, 263: *qui de omni re . . . in utramque partem solent . . . dicere*, a practice especially commended to orators by Cicero; cf. Tusc. Disp. II. 3, 9: *Itaque mihi semper Peripateticorum Academiaeque*

consuetudo de omnibus rebus in contrarias partis disserendi, non ob eam causam solum placuit, quod aliter non posset quid in quaque re veri simile esset invenire, sed etiam quod esset ea maxima dicendi exercitatio. — **sed . . . significabat**: a coördinate clause where we should have expected (to answer to aperiret) sed . . . ut hoc significaret, a frequent anacoluthon after non quo, non quia, etc.; cf. 6, 23; II. 18, 74; III. 24, 93. — **cum maxime**: i.e. eo maxime tempore; *just at that time;* cf. in Verr. IV. 38, 82: *qui cum res maximas gesserit monumentaque suarum rerum gestarum cum maxime constituat.* — **neque posse quemquam**: *nor could any one.* — **inventa**: *doctrines;* i.e. conclusions reached as the result of investigation.

19. 85. **Menedemus**: a rhetorician who held that a knowledge of statecraft was essential for the orator. — **quae versaretur . . . publicarum**: *which is employed in ascertaining the methods of founding and ruling states.* — **excitabatur homo**, etc.: *a man ready and richly furnished with every kind of learning was aroused;* homo: i.e. Charmadas. — **omni abundans doctrina**: cf. III. 8, 29: *ut in singulari dignitate omnis tamen adsit humanitas.* — **varietate**: in connection with promptus and abundans; such union of the attrib. adj. with the abl. of qual. is not uncommon; cf. 22, 104; II. 88, 360: *Vidi enim ego summos homines et divina prope memoria.* — **quadam**: see on 5, 16. — **rerum**: *departments of knowledge;* cf. 36, 165, and 41, 186. — **aut . . . aut**: *either . . . or at any rate.* certe is often added to the second aut; cf. 20, 92: *aut falsa aut certe obscura.* — **bene moratae esse**: "to be constituted on sound moral principles"; cf. II. 43, 184: *ut probi, ut bene morati, ut boni viri esse videantur;* and Brut. 2, 7: *quae erant propria . . . bene moratae et bene constitutae civitatis.* — **eorum**: i.e. rhetorum.

86. **referti**: cf. 35, 161. — **de civitatibus instituendis**: *concerning the organization of states,* as in 41, 186, artem instituere, and different of course from 9, 36: constituendis civitatibus. — **de conformandis hominum moribus**: *concerning the moral improvement of society.* — **in eorum libris**: note Cicero's fondness for the full expression of the thought; as eorum libri immediately precedes, we should have expected eis here; see Intr. 9, 8.

87. **ut ostenderet**: cf. 20, 90, ut disputaret. — **adsciscerent**: in the stronger sense of arrogare. — **rationem ac viam**: they were without thorough *theoretical and practical training* even in their own art; cf. 25, 113; Or. 3, 10: *quidquid est igitur de quo ratione et via disputetur.* — **caput**: *the principal thing;* cf. 29, 132; 33, 150, etc. — **arbitrabatur**: representing the point of view of the Academy. — **talis . . . videretur**: cf. II. 41, 176: *Si vero adsequetur, ut talis videatur qualem se videri velit*, etc. — **optaret**: followed by the acc. and inf. instead of ut, a construction very rare in Cicero. — **sic adficerentur animis**: cf. de Off. I. 20, 66: *cum ita sis adfectus animo;* pro Mur. 27, 55: *ita sum animo adfectus.* — **item**: suggests that the former object can only be attained by the study of philosophy, although it is not expressly stated (id fieri vitae dignitate). — **quot modis . . . moverentur**: *by what methods, by whom, and by what kind of speech the minds of men are influenced in any direction.* — **penitus . . . abdita**: *deeply involved and concealed in the fundamental principles of philosophy;* cf. de Off. I. 19, 63: *ex media laude iustitiae;* de Leg. II. 53: *hoc e medio est iure civili.* — **isti rhetores**: with some contempt. — **ne primoribus quidem labris**: cf. pro Cael. 12, 28: *non modo qui primoribus labris gustassent genus hoc vitae, et extremis, ut dicitur, digitis attigissent*, etc.

88. **Memoriter**: see on 15, 64. — **Demostheni**: a frequent form in Cicero, of the gen. of Greek proper names; see A. 43, **a**; G. 65; H. 68. — **pronuntians**: see on 15, 66. — **quibus rebus**: *by what means.* The question is the object of ignarum.

20. 89. **respondebat**: sc. Charmadas. — **summamque vim**: the characteristic trait of Demosthenes. Dionysius of Halicarnassus wrote a special treatise Περὶ τῆς λεκτικῆς Δημοσθένους δεινότητος. — **id quod constaret**: an assertion elsewhere made by Cicero (see Brut. 31, 121; Or. 4, 15), but on authority which may be regarded as doubtful. — **potuisset**: without complementary inf. and modified by neut. pron., as in 10, 44; 20, 91. — **isti**: viz., the rhetoricians.

90. **in eam partem**: *to that extreme;* explained in ut omnino disputaret . . ., *that he positively asserted*, etc. — **idque cum . . . docuerat**: *whenever he had proved this;* the plupf. subordinate to an impf. of repeated action (nitebatur), because

the subordinate action is antecedent to that of the leading proposition; see M. 335, b, obs. 1; 338, a, obs. — **blandire, terrere**, etc.: these statements follow the main divisions of a discourse, exordium, narratio, probatio, refutatio, conclusio; cf. 31, 143. — **quod intenderemus**: see on quod volet, 12, 53. — **ad extremum**: = extrema oratione, cf. 31, 143. — **quibus in rebus**: *in which particulars.* — **et eloquendi celeritatem incitaret**: *and quickens the speed of utterance;* cf. 33, 149: *linguae celeritatem incitant;* an object of kindred meaning is added to the verb, a species of emphatic tautology of which Cicero is very fond.

91. **Nam primum . . . dicebat**: *for in the first place he asserted that no writer of the art had, of set purpose, been even a moderately good speaker.* — **dedita opera**: with fuisse, *designedly*, his attention having been devoted to it. — **neminem**: see on nemo, 4, 14. — **disertum**: connected by Cicero with disserere, cf. 56, 240. It denotes *eloquent* in a lower degree than eloquens; cf. 21, 94. — **Corax, Titias**: teachers of rhetoric in Syracuse; Brut. 12, 46; Quint. Inst. Or. III. 1, 8. — **nescio quo**: somewhat contemptuously, and suitably to the feeling of Antony and his estimate of this branch of Greek literature. Pid. Cf. II. 1, 4. — **constaret**: as Charmadas thought. — **nec omnino scire curassent**: *nor had at all cared to understand;* a frequent meaning of curare with a negative; cf. II. 6, 25: *Persium non curo legere;* pro Flacc. 1, 27, 64: *qui modo umquam mediocriter res istas scire curavit.* — **putaret**: see A. 321; G. 541, 2; H. 516, II. — **in illo numero**: pleonastic after in quibus justified by the intervening parenthesis; cf. 12, 53: *Quae . . . quod volet;* 17, 75: *Quae . . . philosophiam.* — **possem**: see on potuisset, 20, 89. — **alterum**: see on cetera, 9, 35.

92. **Artem**: *scientific treatment*, requiring (1) thorough knowledge, (2) unity of subject, (3) certainty. Wilkins. — **vero**: refers back to primum, 91. — **penitusque perspectis**: see on penitus pernoscendi, 5, 17. — **exitum**: *aim.* — **non plane**: cf. 51, 222: *nihil plane.* — **scientia**: *exact knowledge.* — **exigui temporis**: *for the moment.*

93. **artificium**: *system*, as in 21, 96; 32, 146. — **in philosophia**: i.e. in their philosophical writings. — **callide**: as in 11, 48.

—**In quibus**: "on these occasions"; cf. II. 24, 101: *In quo est illa quidem magna offensio.* — **ingenium**: Charmadas expressed admiration for the *natural* gifts of Crassus, for from his philosophical point of view he could not allow him doctrina. Pid.

21. 94. **Itaque**: explained by hac eadem opinione adductus, and looking back to sic mihi tum persuadere, etc., 93. — **excidit**: see on exciderunt, 2, 5. — **libello**: "de ratione dicendi"; see 48, 208; Brut. 44, 163: *vellem aliquid Antonio praeter illum de ratione dicendi sane exilem libellum.* — **mediocris homines**: *ordinary men.* — **ex communi . . . hominum**: *according to the judgment of the mass of men.*— **mirabilius et magnificentius**: note the alliteration and cf. 95, maiore ac maturiore; Intr. 9, 12. — **augere**: *exalt.* — **omnisque omnium rerum**: cf. 49, 213; 57, 245. — **fontis**: "sources of information." — **animo ac memoria**: it is not enough to merely have knowledge, however full and accurate; the knowledge must be in readiness. — **si**: concessive, as in 14, 63. — **obruimur**: *are overwhelmed.* — **sit tamen . . . natura**: *is yet in the nature of things possible.*

95. **quantum auguror coniectura**: cf. pro Mur. 31, 65: *quantum ego opinione auguror.* — **aliquem aliquando**: *some one at some time;* Antony's ideal is of course to be realized in Cicero; see 17, 79. — **maiore**: goes with otio, maturiore with facultate. — **scribendumque**: for the importance of writing as a part of the orator's training, see 33, 150; 60, 257; III. 49, 190; and for the requirements in general, de Deor. Nat. I. 4, 9: *Ea* (*levatione*) *vero ipsa nulla ratione melius frui potui, quam si me non modo ad legendos libros, sed etiam ad totam philosophiam pertractandam didissem.* — **paulum**: *yet a little.*

96. **delaberemini**: the imperf. by law of sequence of tenses; but the import holds good in present time, and it should be rendered by the pres.; M. 383. — **aliis**: i.e. other than oratory. — **excipere**: *catch up* (as it was passing); cf. II. 67, 273: *Acutum etiam illud est, cum ex alterius oratione aliud excipias, atque ille volt.* — **vel studi . . . facultatis**: Sulpicius is not settled in his own views as to the nature and requisites of oratory, and therefore states the views of the older men; "study, art, or natural endowment as you please." studi may represent the view of Antony, who has just been speaking, artifici that of Crassus, faculta-

tis that of Scaevola; cf. II. 7, 29: *sed quia tamen hoc totum, quicquid est, sive artificium, sive studium dicendi, nisi accessit os, nullum potest esse, docebo vos, discipuli, id quod ipse non didici,* etc. artificium is frequently used in this sense. Cf. 20, 93; 32, 146; II. 12, 50; 19, 83, and I. 2, 5, where ingenium = facultas, and exercitatio = studium. — **vel**: A. 156, c; G. 494; H. 554, II. N., and cf. 1, 3. — **intimam**: *exhaustive.*

97. **ab ineunte aetate**: i.e. from the time of taking the toga virilis; cf. de Off. I. 34, 122. — **cum**: concessive, to be taken with numquam potui. — **de vi ac ratione**: cf. 5, 17. — **Drusum**: tribune of the plebs in 91; Intr. 2. — **quo in genere**: *in which respect;* cf. 13, 58: *in hoc genere.* — **vere loquar**: the fut., as usual in protestations thus thrown in as independent clauses; cf. II. 4, 15: *vere dicam;* but ut with the subj. may be so used, as in I. 33, 150; de Inv. I. 4, 5. In Cat. I. 1, 3, we have the pres. ind.: *nos, nos, dico aperte, consules desumus.* — **defuisti**: "left in the lurch." — **et . . . docuisti**: et, que, or ac (where we should use *but*) introduce positive statements which complete or correct preceding negative statements; M. 433, obs. 2. cf. 28, 126: *dimittebatque;* 49, 213: *atque puto.*

98. **earum . . . aditum**: *an approach to these very subjects;* obj. gen., A. 217; G. 363, 2; H. 396, III. — **princeps . . . ordiendi**: *the first to begin,* viz., in 8, 29; for a similar pleonasm, see Or. 52, 175: *princeps inveniendi fuit Thrasymachus.* — **date nobis hanc veniam**: *grant us the favor* = χαρίζεσθε; as in 35, 163; and, with less directness in the appeal, 6, 23; cf. ad Att. V. 21, 12: *Dedi veniam homini impudenter petenti.* — **subtiliter**: *in detail.* — **palaestrae**: a metaphor, explained by the following Tusculano tuo. — **Academiae illi ac Lycio**: *to the (well-known) Academy and Lyceum;* i.e. to the instruction of an Academic or Peripatetic philosopher.

22. 99. **ille**: Crassus. — **te audio dicere**: the inf. instead of the part. (dicentem) emphasizes the thing said rather than the speaker. — **cupienti**: concessive, *though you desired it;* cf. 1, 2: *cupientibus atque exoptantibus.* — **superbia**: *haughtiness.* — **unum . . . maxime**: *in the very highest degree;* see on una, 8, 30. — **natum aptumque**: *adapted by nature.* — **quasi in arte**: Crassus does not acknowledge that there is a scientific system in

the strict sense of the word, but only a mode of treatment analogous to it. — **inscitia**: *want of skill;* not inscientia, for he is not ignorant of rhetorical treatises (31, 137), but simply has not given them attention enough to claim to handle them skillfully. For the use of inscitia with the gen., cf. de Off. I. 40, 144: *at hoc idem si in convivio faciat, inhumanus videatur inscitia temporis.*

100. **omnino**: *at all.* — **de reliquo**: viz., the full discussion which they desire, and which they will make every effort to secure. — **fuerit . . . dimiserimus**: the fut. pf. in both clauses represents the acts as completed simultaneously; A. 307, c, R.; G. 244, R. 4; M. 340, obs. 2. — **percontati erimus, explicaris, dimiserimus**: a massing of verbs which occurs not unfrequently in Cicero, especially when several short sentences come together; Intr. 9, 11; cf. 30, 135: *nisi illud . . . cognoris;* III. 36, 147: *ex qua ipsa tamen permulta nescio; quae tum denique, cum causa aliqua, quae a me dicenda est, desiderat, quaero;* Tusc. Disp. V. 27, 76: *ut iam a laqueis Stoicorum, quibus usum me pluribus, quam soleo, intellego, recedamus.*

101. **in cretionibus**: "A Heres extraneus had full power either to accept or to refuse an inheritance, the act of deciding being termed cretio," Ram. p. 262. In the formal declaration occur the words quibus (diebus) sciam poteroque, which Crassus here uses with reference to the undertaking he has before him. We may govern quibus by supplying de, but in governs its antecedent in the original formula, in centum proximis quibus scies, etc.; Gaius, II. 165. Before nam understand vero: (*certainly*) *for;* M. 454, obs. 2. — **postulet**: here takes the acc. with the inf. after the analogy of velle, the more usual construction being ut with the subj.; A. 331; G. 546; H. 498, 1. — **iam vero**: *well then.* — **ista condicione**: as in II. 7, 27: *ista quidem condicione, vel ut verbum nullum faceres, me teneres.* — **posse, . . . fateri**: without subject (me), as the same pronoun immediately precedes. — **vestro arbitratu**: *at your pleasure.*

102. **inquit**: sc. Cotta. — **modo**: see 20, 92, ff. — **quid sentias**: in apposition with hoc, and still further explained by existimesne. — **artem**: *scientific method.* — **Graeculo**: as in 11, 47. The same disparaging tone with reference to this practice of the Greeks may be seen also in II. 4, 15, ff. — **quaestiunculam**:

petty question; cf. 11, 46: *contiunculas.* — **ponitis**: expressing the statement of a theme for discussion, as in 33, 149; II. 1, 2; Tusc. Disp. I. 4, 7: *ponere iubebam de quo quis audire vellet;* Lael. 5, 17: *ista consuetudo . . . ut eis ponatur de quo disputent quamvis subito.* — **et non . . . potius**: a phrase of correction, for the more common et non, or ac non; cf., for the only other instance in Cicero, Cat. II. 6, 12: *quis denique ita aspexit ut perditum civem ac non potius ut importunissimum hostem.*

103. **Gorgiam**: see III. 32, 129; de Fin. I. 1; Plato, Gorg. p. 447, C: *ἐκέλευε γοῦν νῦν δὴ ἐρωτᾶν ὅτι τις βούλοιτο τῶν ἔνδον ὄντων.* — **suscipere ac profiteri**: *publicly profess;* see 25, 116; 6, 21. — **hodie**: *to this day;* cf. in Verr. II. 5, 32, 84: *Hodie, inquam, Syracusanum in ea parte habitare non licet;* also, pro Cael. 2, 3; de Or. II. 23, 95.

104. **arbitrarer**: A. 308; G. 597; H. 510. — **nos**: not vos, though on the part of Crassus the pleasure would be in the nature of mere pastime. — **M. Pisonem**: M. Pupius Piso, older than Cicero, and in their early life on the most friendly terms with him; Consul with Gabinius in 61 B.C., at which time Cicero appealed to him in vain with reference to the measures of Clodius leading to his (Cicero's) banishment. It became a custom for wealthy Romans of liberal tastes to have philosophers as guests, and even to maintain them as a part of their establishment; see Crutt. Rom. Lit. p. 354. — **summo ingenio**: cf. 19, 85: *incredibili varietate.* — **genere**: *department.*

23. 105. **Quem tu . . . Staseam**: a playful rebuke; for similar expressions, see ad Fam. IX. 16, 7: *Quem tu mihi Pompilium, quem Denarium narras;* in Verr. IV. 39, 85: *quam mihi religionem narras;* and without the verb, Phil. I. 10, 25: *Quas tu mihi, inquit, intercessiones, quas religiones.* — **gerendus est tibi mos**: *you must comply with the wishes.* — **sine usu**: *without experience;* a prepositional phrase put for a lacking adj.; cf. Tusc. Disp. I. 22, 51: *animum sine corpore (se intellegere posse)*; II. 3, 7: *lectionem sine ulla delectatione;* IV. 6, 13: *sine ratione animi elationem;* V. 16, 48: *vir temperatus, constans, sine metu;* and often. — **cantilenam**: *singsong,* referring to the drawling delivery of hackneyed formulae. — **ex homine**: answering to ex scholis, above. A slight anacoluthon is to be noted in eius sententiam

sciscitantur (for which we might have expected aliquid audire cupiunt), permitted by the clauses which intervene. — **domicilio**: viz., the senate house and forum, the heart of Rome, to which Cicero often applies the expression; see Cat. III. 1, 1; and IV. 6, 12; pro Sull. 11, 33.

106. **deum**: *ideally perfect*, as in II. 42, 179: *in qua . . . tu mihi semper deus videre soles;* III. 14, 53: *quem deum, ut ita dicam, inter homines putant.* — **humanitatis**: *amiability*, as in 7, 21. — **ingeniis**: the plur. because the talk is of more than one person; cf. 2, 6; 25, 115; de Fin. IV. 23, 62: *tantis ingeniis homines tantaque auctoritate;* and often.

107. **neque gravabor**: *nor will I regard it as a burden*, looking forward to dicere, while studeo indicates his disposition in general toward the young men. — **auctoritatem**: Scaevola being a man to whom Crassus was bound by pietas. Wilkins. — **in verbi controversia**: cf. 11, 47.

108. **ita**: corresponding, not to ut . . . exposuit Antonius, but to some such expression as ut oriatur to be understood before ex rebus. Such abridgment in the statement of definitions is not infrequent, as de Fin. II. 4, 13: *qui eam sic definiunt, sublationem animi sine ratione* (sc. *ut sit sublatio animi*); Tusc. Disp. IV. 6, 13: *quam . . . ita definiunt, sine ratione animi elationem;* etc. — **paulo ante**: in 20, 92. — **arbitrio**: *caprice.* — **ad volgarem . . . accommodata**: *suited to the common intelligence of the people;* cf. 3, 12.

109. **observata**: *followed out;* i.e. the method according to which great orators instinctively work; cf. 21, 97. — **haec**: repeats ea with emphasis; M. 489, a; and cf. 37, 169: *hunc.* — **callidis ac peritis**: *intelligent and skillful;* cf. 11, 48. — **animadversa . . . sunt**: *observed and noted, definitely expressed in words, clearly arranged in classes, and separated into subdivisions.* — **subtili**: *rigidly exact.* — **similitudo**: cf. II. 87, 356: *sed haec ars tota dicendi, sive artis imago quaedam est, et similitudo, habet hanc vim*, etc.

24. 110. **neque ita amplectaretur artem**: *he neither so defined art.* — **ponerent in**: cf. 2, 5.

111. **quoniam institui**: *since I have undertaken it.* — **ne . . . efferatis**: *that you do not publish these trifles of mine.* The present discussion is referred to in the same disparaging tone in

II. 4, 18, where the apology for it is that he was forced to it: *Hoc nos ab istis adulescentibus facere inviti et recusantes heri coacti sumus.* For this use of effero, cf. 43, 192: *elata sunt.* — **moderabor ipse**: *I will restrict myself,* reflexive in meaning. — **ne**: looks forward to videar. — **artifex**: a *clever systematizer;* cf. 6, 23. — **sed**; sc. ut. — **unus e togatorum numero**: "a plain Roman," in contrast with Graecus homo doctus, 22, 102; so in 29, 132, unus pater familias (*a common citizen*) is put in contrast with Roscius; cf. de Rep. I. 22, 36: *peto a vobis ut me sic audiatis — ut unum e togatis patris diligentia non inliberaliter institutum,* etc. — **a me aliquid promisisse**: *to have promised anything as coming from myself;* in contrast with the following clause.

112. **cum peterem magistratum**: cf. Val. Max. 5, 4: *Consulatum petens L. Crassus, cum omnium candidatorum more circum forum supplex populo ire cogeretur, numquam adduci potuit ut id praesente Q. Scaevola, gravissimo et sapientissimo viro, socero suo faceret. Itaque rogabat eum, ut a se, dum ineptae rei deserviret, discederet: maiorem verecundiam dignitatis eius quam candidae togae suae respectum agens.* cum in the sense of quotiescumque, in which Cicero occasionally uses it, with the subj.; cf. 54, 232; II. 1, 2; III. 16, 60; de Rep. I. 14, 22. — **id erat**: "I mean by that." — **blandius**: *with flattery.* — **posset**: the subj. because Crassus is stating the view he held at that time; A. 341, d, R.; G. 541; H. 516, II. — **ineptum esse me**: not simply ineptus esse, for esse is here used in the sense of videri or existimari. — **necessarium**: cf. II. 4, 18: *Omnium autem ineptiarum — haud scio an nulla sit maior, quam — de rebus aut difficillimis aut non necessariis argutissime disputare.*

113. **Perge . . . Mucius**: an unusual order of words, apparently in imitation of Plato, Phaed. 76 E, 77 C, 107 B; cf. de Or. II. 14, 59; III. 60, 226. — **Istam . . . praestabo**: *I will answer for the blame which you fear;* cf. 39, 178; II. 29, 124: *impetus . . . quos praestare nemo posset.*

25. Sic sentio: cf. 16, 72. — **naturam atque ingenium**: hendiadys; *natural talent.* — **primum**: the second point (studium et ardor) is taken up in 30, 134. — **paulo ante**: in 20, 91. — **rationem dicendi et viam**: *method and skill in speaking;*

cf. 19, 87. — **Nam et . . . debent**: *for there ought to be certain quick movements of thought and understanding.* The ancient conception of mind was that of a substance capable of rapid movement; cf. Cat. Mai. XXI. 78: *cum tanta celeritas animorum sit;* Tusc. Disp. I. 43: *nulla est celeritas quae possit cum animi celeritate contendere.* — **acuti, uberes**, etc.: agree with motus, but properly refer, of course, to animus and ingenium. — **excogitandum, explicandum, ornandum**: with distinct reference to the several parts of the orator's work, inventio, collocatio, elocutio. — **diuturni**: *permanent.*

114. **accendi aut commoveri**: *to be kindled or aroused;* i.e. set in motion, in strong contrast with inseri et donari; hence quidem is adversative, as in II. 27, 119: *artem quidem et praecepta;* and 56, 227: *Illud quidem admiror.* — **possunt**: see A. 306; G. 595; H. 508. — **arte**: personified; hence ab. — **enim**: in the third place because the copula is attracted to the emphatic omnia; G. 484, R.; M. 471, obs. 1; cf. II. 15, 62: *sita sunt enim ante oculos.* — **linguae solutio**: *fluency of tongue;* this is perhaps the only occurrence of the subst. solutio in this sense, though the adj. and adv. forms are often found. Cf. Brut. 47, 174: *verbis solutus satis;* and 55, 202: *dicebat (Cotta) pure ac solute*, etc. — **latera**: *lungs;* with this meaning always plur. in Cicero. — **vires**: *physical strength*, as always in Cicero, when unqualified; cf. II. 20, 85. — **solutio, sonus**, etc.: are attracted into agreement with quae instead of illis; Intr. 9, 3; cf. 12, 50: *orationem.* — **oris**: should be joined with conformatio; corporis with figura; Intr. 9, 1, n.

115. **ut . . . possit**: an abridged form, = ut dicam . . . posse; cf. de Fin. I. 5, 14: *Nam illud quidem adduci vix possum, ut ea . . . tibi non vera videantur.* — **limare**: *to polish;* so limatus applied to the orator himself, 39, 180; III. 8, 31. — **non optima**: a euphemism; it would hardly do to say prava. — **ita . . . agrestes**: *so stammering in speech, so harsh in voice, so uncouth in feature and clumsy in the movements of the body;* cf. 29, 132. — **ingeniis**: see on 23, 106. — **tamen** = saltem. — **autem**: = rursus; *on the other hand.* — **habiles**: *accomplished.* — **ficti**: *fashioned*, as if for that very purpose; cf. 26, 118; 28, 127.

116. **Magnum**: the emphasis is denoted by quoddam, and is heightened by the absence of a connective; for the thought, cf. 8,

31, f. — **suscipere ac profiteri**: Intr. 9, 1, t; cf. 22, 103. — **in dicente**: *in a speaker*. A. 291, a; G. 437; H. 549, 4. — **offenditur**: as in 61, 259.

117. **in eam sententiam**, etc.: *with the intention of deterring*, etc. — **C. Caelio**: Tribune of the people in 107, Consul 94. — **homini novo**: equivalent to licet homo novus fuerit, emphasizes the value of oratory. His excellences (eloquence among them) must have been very considerable to counterbalance the disadvantages under which he labored as a novus homo. — **vestrum aequalem**: cf. Brut. 49, 182: *aequales prope modum fuerunt C. Cotta, P. Sulpicius, Q. Varius*, etc. — **Q. Varium**: Tribune in 92, author of the famous lex Varia, under which charges were brought against those quorum dolo malo socii ad arma ire coacti essent. Varius was living at the time when the dialogue is represented as taking place, and for two years afterward. The reading habuit (instead of habet) rests on such good authority, however, that we must suppose Cicero to have momentarily exchanged the times of Grassus for his own. — **vastum atque foedum**: *uncouth and awkward*.

26. 118. **oratore**: *the perfect orator*. — **fingendus**: *must be conceived*. — **omni laude cumulatus**: cf. 6, 20. — **haec**: cf. 3, 10: *huic studio*; 8, 33: *hunc humanum cultum*; II. 1, 4: *hoc populo*. — **turba et barbaria forensis**: *illiterate throng of the forum*; barbaria refers especially to rudeness of language; cf. Eng. "barbarism." — **hoc quod quaerimus**: viz., the qualities of the perfect orator. — **itaque**, etc.: the main thought (fingendus est) is interrupted, and taken up again by igitur in 119; itaque in eis artibus, etc., is an inference, and logically subordinate. — **quam diligenter . . . iudicamus**: *how carefully and how very critically we judge*.

119. **non uti**: see on 17, 75. — **satisfaciat**: the clause is the subject of providendum est; for the mood, see A. 331, e; G. 546; H. 498, II. — **necesse est**: sc. satisfacere. — **tacendum putavi**: because it is a delicate point and likely to have personal bearings. — **id**: refers only to dicunt, so that facillime and ornatissime are explanatory of optime. — **id**: viz., ut qui optime dicit, non timide ad dicendum accedat.

120. **Ut enim quisque**, etc.: *for the better one speaks the*

more he fears, etc. — **Qui vero**, etc.: this shyness and embarrassment must not result from incapacity and weakness; he who can accomplish nothing and yet assumes to speak, exhibits his shamelessness by that very act. — **efficere atque edere**: *produce and give forth.* — **pudendo**: the gerund, as if from a personal verb; A. 301; G. 431; H. 542, IV.; M. 218, a, obs. 3. — **nomen**: *reputation.*

121. **animadvertere soleo . . . experior**: zeugma avoided; see Intr. 9, 8. — **ut albescam**: cf. II. 35, 151: *videmus ut;* and 46, 193: *vidi ut;* A. 331; G. 546; H. 498, II. Cicero in the character of Crassus reproduces his own experience; cf. Div. in Q. Caec. 13, 41: . . . *quo die citato reo mihi dicendum sit, non solum commoveor animo, sed etiam toto corpore perhorrescor;* pro Deiot. 1, 1; pro Cluent. 18, 51. One is also reminded of the defense of Milo. — **accusationis**: i.e. of C. Papirius Carbo, 119 B.C. — **Q. Maximo**: probably Q. Fabius Maximus Eburnus, Consul in 116, Praetor 119. — **consilium dimiserit**: *adjourned the session;* a technical expression. — **fractum ac debilitatum**: see Intr. 9, 1, t; and cf. 7, 24.

122. **significare**: i.e. indicate assent by look and gesture. — **qui tamen . . . prodesset**: *which, however, not only offered no hindrance to his oratory, but even favored it by giving evidence of his sincerity.*

27. Antonius: Antony takes up the discourse, so as not to leave to Crassus the task of explaining his own habitual embarrassment.

123. **ut in quoque . . . ita**: as in 26, 120; cf. II. 77, 313: *ut in quoque eorum minimum putant esse, ita eum primum volunt dicere.* For the expression esse in, in this sense, cf. 17, 79: *tantum in nobis esse.* — **usus ac natura**: *experience and a knowledge of human nature.* — **procedere**: as though orationem and not eventum dicendi were the subject, a pleonasm similar to that in 21, 98: princeps . . . sermonis ordiendi. — **non iniuria**: "very naturally." — **tum**: i.e. in ipso tempore.

124. **Altera**: looking back to unam. Such change of construction is regular with Cicero, when in enumerating with unus and alter the first member is long drawn out; cf. II. 27, 116: *Ad probandum autem duplex est oratori subiecta materies: una rerum*

earum, quae non excogitantur ab oratore . . . altera est, quae tota in disputatione et in argumentatione oratoris conlocata est; and 72, 295: *Alterum est illud,* etc. — **spectati et probati**: *eminent and esteemed.* — **noluisse**: *not to have had the inclination.* — **quod scirent**: *what they knew how* (were able) *to do.* — **Q. Roscius**: the famous actor in comedy; see 28, 130. — **peccatum**: *the failure.* — **stultitiae**: see on 1, 1: ambitionis.

125. **Stultitia autem . . . habet**: i.e. no such excuse as a momentary indisposition or ill health. The cause is rather to be sought in natural incapacity or a want of instruction and training. — **in gestu**: noting the actor, and looking forward to in dicendo. — **non continuo**, etc.: *is not at once and necessarily thought to be ignorant of gesture;* so used with negatives and interrogatives; cf. ad Her. IV. 4, 7: *qui eligit facile, non continuo ipse facile scribit;* Tusc. Disp. III. 18, 40: *si malo careat, continuone fruitur summo bono?* — **opinio tarditatis**: "the notion that he is dull."

28. 126. **Illud vero**: see on 9, 35, *cetera.* — **quae orator . . . adiuvaretur**: *which the orator must have or else he would not be much helped by a teacher.* — **inque eo**: more commonly in eoque, but see on 7, 26: *deque.* — **Apollonium**: see on 17, 75. — **non patiebatur**, etc., unlike the sophists, who never dismissed a student from whom there was hope of a fee. — **evadere**: cf. pro Mur. 13, 29: *nonnullos videmus, qui oratores evadere non potuerint.* — **dimittebatque**: for the adversative force of que, see on 21, 97: *et . . . docuisti.* — **impellere atque hortari**: *direct and advise him;* Intr. 9, 1, r.

127. **similem esse hominis**: *to be a man like any other.* — **inculcetur**: a strong word, lit. *stamped in;* si qui forte sit tardior is added to explain it. — **facies, voltus**: *features, expression.*

128. **poëtarum**: cf. 16, 70; III. 7, 27: *Atque id primum in poëtis cerni licet, quibus est proxima cognatio cum oratoribus.* — **quae enim . . . potest**: *for (those attainments) in respect to which the masters of single subjects are approved, if they have acquired them in a moderate degree, each in his own line, unless they are all in the orator in the highest degree he cannot be commended.* — **singula**: repeated to bring out the contrast with omnia. — **potest**: sc. *orator;* for the thought, cf. Brut. 6, 25:

... *quibus enim ex quinque rebus constare dicitur* (*eloquentia*), *earum una quaeque est ars ipsa magna per sese.*

129. **Atqui vide**: *and yet see;* i.e. notwithstanding the difficulties which those who would be orators must evidently meet. — **levi**: see 5, 18. — **cum ita dicat**: the more usual expression would be audivi cum diceret. — **neminem**: see on 4, 14. — **probabiles**: *commendable.* — **aliquid**: see on 9, 35: *cetera.*

130. **Itaque ut . . . dirigamus**: *that we may therefore determine the praise which an orator should have, according to the comparison with this actor.* — **videtisne**: often preferred to nonne videtis, merely for rhythm; cf. II. 15, 64; III. 9, 32. — **nisi ita**: without the repetition of nihil; cf. pro Planc. 23, 57: *nihil citius excipitur, latius dissipatur*, etc. — **in suo genere**: *in his own department.* — **absolutionem perfectionemque**: the classical expression for the highest perfection; summa perfectio is never found. — **qui non potest**: *one who has no capacity;* posse used in the absolute sense, as in the next section, and in II. 20, 86: *qui optime potest.* — **detrudendum**: cf. 11, 46: *detrudi.*

29. 131. **ius civile aut rem militarem**: the only remaining pursuits for noble young Romans to look forward to. — **in omni genere**: *in every branch of knowledge.* — **possetis**: merely by attraction to possent; otherwise potestis would have been used, and perhaps this is what Cicero did write. Wilkins. — **quae sunt in specie posita**: viz., the external conditions; see 25, 114.

132. **minora data**: with reference to Cotta, to whom the following advice applies. — **tamen**: see on 25, 115. — **modice et scienter**: *wisely and skillfully.* — **et ut ne dedeceat**: i.e. et (ita utantur) ut ne dedeceat (eis uti). — **unus paterfamilias**: *any citizen you please;* paterfamilias, suggesting a citizen of the ancient type, and one therefore without training in the modern ways of knowledge. unus in this sense is usually strengthened by quivis, or aliquis, as Brut. 93, 320: *quantum non quivis unus ex populo*, etc.; de Off. II. 12, 41: *ad unum aliquem confugiebant virtute praestantem;* but cf. 24, 111: *unus e togatorum;* ad Att. IX. 10, 2: *me una haec res torquet, quod non omnibus in rebus labentem vel potius ruentem Pompeium tamquam unus manipularis secutus sim.* — **caput**: *the essential thing.* —

tradi arte non possit: because the circumstances to which one must instinctively adapt oneself are so infinitely varied. artis . . . arte, a play upon the word.—**aliquando**: equivalent to tandem aliquando, as often; cf. II. 24, 99; and 68, 274.

133. **alio**: i.e. to a mode of treatment or to a province of the subject more suitable to statesmen (like ourselves).—**dimittis**: as had been said of Apollonius, 28, 126.—**ut nobis . . . potes**: *that you explain to us your power as an orator, such as it is.* In quicquid est istud, Cotta in a vein of playful irony falls into the disparaging estimates which Crassus has himself expressed, 24, 111; and follows it up in neque enim sumus nimis avidi: ista tua mediocri eloquentia contenti sumus; and quam quantulum.

30. 134. **adridens**: at the jocose irony of Cotta.—**hoc**: answers to nihil, nemo to quisquam, while umquam belongs to both members.—**molesti**: *urgent.*

135. **intendas, ferat**, etc.: for similar accumulation of verbs, see 22, 100; Intr. 9, 11.—**exponam vobis non quandam**, etc.: the form in which the sentence is begun leads the reader to expect an antithesis,—(sed rationem) consuetudinis meae; *not any obscure or very difficult*, etc., *method*, (*but the method*) *of my own practice.* By a slight change of construction the first member (completed at rationem) is turned into a negative description of the method of Crassus, upon which after all the writer wishes mainly to dwell.

136. **diem**: for the case, see A. 240, d; G. 343, 1; H. 381.—**nec insidiando nec speculando**: *nor by keenly watching and observing;* cf. Or. 62, 210: *non enim id agit ut insidietur et observet.*—**non modo . . . sed**: a form of expression by which the first thought (videre) is set aside as plainly impossible; M. 461, b, obs. 2; cf. 52, 225: *servire vero non modo te, sed universum senatum . . . ausus dicere.*—**scriptore**: not scriba, which would mean a clerk by public appointment.—**Diphilo**: one of the servi litterati employed in literary work; see Brut. 22, 87: *Galbam . . . commentatum in quadam testudine cum servis litteratis fuisse, quorum alii aliud dictare eodem tempore solitus esset.* Cicero's freedman Tiro is the best known of this class.—**suspicari**: *to surmise.*

31. 137. **principio**: *in the first place.* Then follows a summary of the usual system of rhetorical training, extending to 145. The second point (exercitatio), to which principio looks forward, is taken up at 147. — **communia et contrita**: cf. 36, 165: *communia et pervagata.*

138. **de infinitae rei**, etc.: *on the examination of an indefinite proposition*, i.e. *θέσις*; as, for example, the topics proposed in de Inv. I. 6, 8: "ecquid sit bonum praeter honestatem"? "verine sint sensus"? "quae sit mundi forma"? "quae sit solis magnitudo"? Cf. II. 10, 41: *duo prima genera quaestionum esse . . . unum infinitum, alterum certum;* and 19, 78. — **locata**: *limited.*

139. **In utraque autem re**: *in either case, however.* — **in eo quaeri solere**, etc.: the settlement of a subject in dispute is technically either a constitutio coniecturalis, a question of fact; or a constitutio generalis, relating to the circumstances under which it occurred, also its nature; or a constitutio definitiva, relating to the proper designation of the subject. In addition there is the constitutio iuridicialis, relating to the legality of the fact; and further conditions which were designated by the general name of constitutiones legales.

140. **ambigue**: Cicero gives an example of this in de Inv. II. 40, 116: *Paterfamilias, cum filium heredem faceret, vasorum argenteorum centum pondo uxori suae sic legavit: "heres meus uxori meae vasorum argenteorum pondo, centum quae volet, dato." Post mortem eius vasa magnifica et pretiose caelata petit a filio mater; ille se, quae ipse vellet, debere dicit.* — **contrarie**: i.e. with the contradiction of two or more provisions of laws with one another; cf. de Inv. II. 49, 144: *Ex contrariis autem legibus controversia nascitur, cum inter se duae videntur leges aut plures discrepare*, etc. — **a sententia**: i.e. of the writer; cf. de Part. Or. 39, 136: *ille autem, qui se sententia legis et voluntate defendet, in consilio atque in mente scriptoris, non in verbis ac litteris vim legis positam esse defendet.* An example is found in the famous causa Curiana; see 39, 180; 57, 242; II. 6, 24; 32, 140.

141. **Sed**: marking the transition to a new subject. — **causarum . . . partim . . . partim**: cf. II. 22, 94: *Sed eorum partim in pompa, partim in acie illustres esse voluerunt;* M. 284, obs. 4. —

locos: i.e. τόποι, sources of argument and illustration; cf. II. 34, 147; 41, 174.

142. **Cumque esset . . . distributa**: a condensed form of expression for cumque esse omnem vim . . . distributam cognossem et accepissem. See next section. — **oratoris vis ac facultas**: the *activity of the orator* with reference to the hearer (vis) and the speaker (facultas). — **quinque partis**: viz., inventio, dispositio, elocutio, memoria, actio. — **momento quodam**: "in a certain manner according to their weight"; cf. II. 79, 309: *Equidem cum conligo argumenta causarum non tam ea numerare soleo quam expendere.* — **iudicio**: subjective, — *our judgment* (of their importance). — **denique**: as introducing the final processes in the preparation of a speech.

143. **demonstrandam**: cf. II. 81, 330: *ad summam totius causae pertinet, caute an contra demonstrata res sit, quod omnis orationis reliquae fons est narratio.* — **controversiam**: i.e. quod in controversiam venit; cf. 139. — **quod intenderemus**: as in 20, 90; cf. 30, 135: *quo intendas.* — **extrema oratione**: where by amplification and generalization the speaker appeals to the feelings of the hearer. The parts of the speech here denoted are the exordium, narratio, propositio, probatio, refutatio, and peroratio.

32. 144. **in qua**: sc. oratione; *with reference to which.* — **pure**: treated in detail in Book III. — **Latine**: *in good Latin*; cf. de Opt. Gen. Or. 2, 4: *pure et emendate loquentes, quod est Latine.* — **quasi decore**: *with a certain propriety.* quasi apologizes for decore, properly denoting external, visible grace.

145. **magna cum exercitatione**: *imparted through much practice;* cf. II. 23, 96: *exercitationibus crebris atque magnis.* — **artificum**: see on 6, 23: *artifices.* — **quam ego**: see on 17, 76: *quas ego.* — **quo quidque referat**, etc.: *the aim to which he should direct each part, and which he should keep in view that he may not go astray.*

146. **non ut**: see on 17, 75: *non ut;* 26, 119; but there is anacoluthon here, the second member being attracted into the government of intellego. — **sua sponte**: *instinctively.* — **conlegisse**: cf. 42, 191: this reading (for id egisse) of the Mss. is also supported by Quint. V. 10, 119: . . . mox ea scriptores

observata et collecta ediderunt. — **artificio**: *theoretical treatment;* see on 21, 96. — **ad cognoscendum non inliberale**: "the study of it may well be a part of a liberal education"; but the form of the expression (more naturally, cognitio eius non inliberalis) is determined by the preceding necessarium ad bene dicendum.

147. **et exercitatio**: in connection with quod tamen . . . non eicio; i.e. in addition to the rules of art (included in artificium), there must be practice. — **quamquam**: corrective, in view of his having applied the need of practice to young men already engaged in it. — **sed eis**: looks back to suscipienda, the intervening clause being equivalent to vel potius non vobis qui iam pridem, etc. — **qui . . . in stadium**: i.e. those who are beginning their professional career as orators. — **in acie**: cf. 34, 157; II. 22, 94: *partim in acie inlustres esse voluerunt.* — **ludicra**: "in sport," Wilkins. — **meditari**: *practice;* cf. 30, 136; Brut. 88, 302: *Nullum enim patiebatur esse diem, quin aut in foro diceret, aut meditaretur extra forum.*

148. **ac tamen**: *and yet* (further); perhaps etiam has dropped out. Cicero uses at tamen only after si non, si minus, etc. — **mox**: see 47, 205, ff.

33. 149. **Crassus inquit**: an unusual order of words, but cf. II. 8, 31; III. 49, 190. — **posita**: see on 22, 102: *ponitis.* — **quam maxime ad veritatem**: "as nearly as possible as though it were a real case"; cf. 17, 77; Or. 12, 38: *in veritate causarum;* and 66, 221: *in veris causis.* — **incitant**: see on 20, 90: *incitaret.* — **audierunt**: viz., from the Greek teachers of rhetoric, quoted from their proverb ἐκ τοῦ λέγειν τὸ λέγειν πορίζεται. Crassus rejects it.

150. **perverse dicere**: the object of consequi, an unusual construction, but probably the literal translation of a Greek proverb. — **subito**: ex tempore. — **caput**: as in 29, 132. — **ut vere dicam**: see on 21, 97: *vere loquar.* — **stilus**: *the pen;* cf. 60, 257, where stilus is called, not effector, but perfector dicendi ac magister; and Brut. 25, 96: *artifex ut ita dicam stilus.* The spelling stylus (Eng. "style") rests upon a mistaken etymology, the word being derived, not from Greek στῦλον, but from the root STIG, *to prick*, as in stimulus and stigma. — **neque iniuria**: i.e. nec sine causa; to introduce an explanation that will

justify a statement that might otherwise seem strange or peculiar; cf. pro Sex. Rosc. 40, 116: *In rebus minoribus socium fallere turpissimum est; neque iniuria propterea quod auxilium sibi se putat adiunxisse, qui cum altero rem communicavit.* — **commentatio**: *preparation.* — **scriptura**: for scriptio in the same sense, cf. Brut. 24, 92: *nulla enim res tantum ad dicendum proficit quantum scriptio.*

151. **sive artis . . . loci**: *topics furnished by art*, as distinguished from those which one derives from a certain natural sagacity and practical insight (ingeni cuiusdam ac prudentiae); for the meaning of loci, see on 31, 141. — **anquirentibus nobis . . . occurrunt**: *show themselves and press forward to meet us, while we reflect, and exert upon it the whole power of the mind.* anquirentibus: used in philosophical language of close investigation; cf. de Off. I. 3, 9: *anquirunt et consultant;* and 30, 105: *hominis autem mens discendo alitur et cogitando semper aliquid aut anquirit aut agit.* occurrunt: cf. II. 30, 130: *habere (oportet) certos locos, qui ut litterae ad verbum scribendum, sic illi ad causam explicandum statim occurrant.* The words of course throw no light on the psychological question involved, as to the power which the mind has over the train of its thoughts; nor does Cicero explain how it is that with pen in hand, arguments come more readily to the mind. The student interested in such inquiries will find an interesting discussion of the subject in Bowen's Dugald Stewart, p. 165, ff. — **maxime inlustria**: i.e. expressions and thoughts that make style brilliant; cf. III. 52, 201: *tum est quasi luminibus distinguenda et frequentanda omnis oratio sententiarum atque verborum.* — **sub acumen stili**, etc.: *come under the point of the pen and follow its direction.* The repetition of the prep. (subeant) expresses the physical nature of the action; see on 2, 6: *intuenti.* — **conformatio**: cf. 5, 17: *conformanda.* — **numero**: *rhythm*, as it depends upon the rise and fall of particular words and syllables. — **modo**: as applied to the members of a whole period, "harmonious flow."

152. **clamores et admirationes**: *loud expressions of admiration;* cf. in Verr. 5, 41, 106: *fit clamor et admurmuratio populi.* — **scriptitarit**: for the tense, see A. 307, c; G. 244, 2; H. 508, 2. — **subitis dictionibus**: cf. 150: *subito saepe dicere.* — **scriptum**

attulerit: cf. Phil. X. 2, 5: *ita enim dixisti et quidem de scripto*, etc.; pro Planc. 30, 74: *Recitetur oratio, quae propter rei magnitudinem dicta de scripto est.* — **similis** . . . **consequetur**: *will follow in the same style.*

153. **concitato**: *set in motion.* — **inhibuerunt**: a boatman's technical term, meaning *to row backward.* Cicero uses it for sustinere (remos), *to stop rowing*, not being aware of its meaning until later, as he himself says, ad Att. XIII. 21, 3: *Est enim (inhibere) verbum totum nauticum. Quamquam id quidem sciebam, sed arbitrabar sustineri remos, cum inhibere essent remiges iussi. Id non esse eiusmodi didici heri, cum ad villam nostram navis appelleretur. Non enim sustinent, sed alio modo remigant.* — **in oratione perpetua**: *in a continuous discourse.* — **concitata**: in agreement with oratio; "set in motion by the resemblance and after-effect of what was written." The oratio scriptorum . . . vi concitata, is compared to the navis impetu remorum impulsa.

34. 154. **commentationibus**: *preparatory exercises.* — **Carbonem**: see on 10, 40. — **inimicum**: because Crassus accused him; cf. III. 20, 74: *qui — annos natus unum et viginti nobilissimum hominem et eloquentissimum in iudicium vocarim.* — **gravibus**: *significant, full of thought.* — **ad eum finem quem**: *as far as.* — **lectis**: corresponds to the following ornatissima atque copia; the proper choice of words was held to be very important; cf. III. 37, 150: *In propriis igitur est illa laus oratoris, ut abiecta atque obsoleta fugiat, lectis atque inlustribus utatur, in quibus plenum quiddam et sonans inesse videatur;* Brut. 71, 250: *itaque et lectis utitur verbis et frequentibus;* and 72, 253: *verborum delectum originem esse eloquentiae.* — **hoc viti**: *this disadvantage.* — **Ennius**: 239–169 B.C., famous as the author of the Annals, an epic poem in hexameter, which marks an epoch in the literature of Rome. — **Gracchus**: viz., Gaius, whose speeches became models of eloquence. Cicero commended them to the youth for study; cf. Brut. 33, 126: *Legendus est hic orator si quisquam alius iuventuti; non enim solum acuere, sed etiam alere ingenium potest.* — **prodesse** . . . **obesse**: depend upon animadverti, repeated after ita.

155. **Graecas**: not Graecorum, as the contrast is with the

Latin writings before mentioned. — **explicarem**: *explained*, i.e. by free translation, as Cicero himself, in his youth, treated the Economics of Xenophon and the Protagoras of Plato; then, as always, a valuable exercise to give ready command of language; cf. Quinct. X. 5, 2: *Vertere Graeca in Latinum veteres nostri oratores optimum iudicabant;* and Tusc. Disp. II. 11, 26: *postquam adamavi hanc quasi senilem declamationem, studiose equidem utor nostris poetis; sed, sicubi illi defecerunt, verti etiam multa de Graecis, ne quo ornamento in hoc genere disputationis careret Latina oratio.* — **exprimerem . . . imitando**: *form by imitation*, as in the work of the plastic artist.

156. **Iam**: carries on the enumeration of particulars; "furthermore." — **totius corporis**: depends upon motus, while the other genitives go with exercitationes; cf. 25, 114; 17, 83; 33, 149. — **habenda est ratio**: *care must be taken.* — **quos imitemur**: more closely defined by the following quorum similes velimus esse. The importance of choosing proper models is discussed in II. 22, 90, ff. — **actores**: Cicero made special study of the methods of Roscius the comedian and Aesopus the tragedian. — **deformitatem pravitatemque**: *unbecoming manner and awkwardness.*

157. **adhibere**: *to admit*, as help from without; cf. 42, 188: *Adhibita*, etc. — **istam . . . rationem**: mnemonics; a method of aiding the memory by associating thoughts with certain places and images; discussed more fully in II. 86, 351, ff. — **in arte**: "in the system of the schools"; cf. 22, 99. — **dictio**: personified. — **umbratili**: *scholastic;* the umbracula of the schools is often contrasted with the sun and dust of public life; cf. Or. 19, 64: *Mollis est enim oratio philosophorum et umbratilis*, etc.; de Leg. III. 6, 14: *Phalerius ille Demetrius — mirabiliter doctrinam ex umbraculis eruditorum otioque non modo in solem atque in pulverem, sed in ipsum discrimen aciemque produxit.* The expressions which follow, taken collectively, serve to illustrate the activities of the orator by the common figure of war. — **medium**: usually after the prep., but, *medio in cursu*, III. 2, 7. — **subeundus visus hominum**: *one must come before the eyes of men;* cf. II. 10, 41: *in foro atque in oculis civium constituendus;* and for visus, Tac. Ann. III. 14: *absurdum videbatur inter aliena servitia et tot adstantium visu*, etc. — **in veritatis lucem**: *into the publicity of*

real life; cf. 33, 149; 51, 220; II. 23, 94: *omnes sunt in eodem veritatis imitandae genere versati.*

158. **legendi**: Crassus returns to the indoor activities of the orator, without following any definite order; hence effudi, 159. — **historiae**: i.e. history of different nations. — **doctores atque scriptores**: according to Cicero's habit of expressing different sides of an idea by different words. — **in contrarias partes**: i.e. to debate for and against, after the method of the Academics; cf. 10, 42; elicere is similarly used in III. 21, 79; Acad. II. 3, 7: . . . *nisi ut in utramque partem dicendo eliciant et tamquam exprimant aliquid quod aut verum sit, aut ad id quam proxime accedat.*

159. **disciplina rei publicae**: *the constitution;* cf. 1, 3; 44, 196. — **causa imperi**: *the interests of the state*, i.e. whatever is required to maintain it. — **senatoria consuetudo**, etc.: serves to specialize omnis antiquitas. — **libandus . . . lepos**: *we must cull a certain charm of humor from every form of culture.* libare in Cicero always denotes a choice of the best, but carries with it also the notion of an incomplete and superficial choice; cf. 50, 218. — **sale**: a simile the more pat because sal also means *wit;* cf. II. 23, 98. — **effudi**: i.e. in rapid succession, and without entering deeply into any single topic; see III. 55, 208: *Quae quidem te, Crasse, video, quod nota esse nobis putes, sine definitionibus et sine exemplis effudisse.* — **patremfamilias**: see on 29, 132.

35. 160. **consecutum**: the compound differs but little from the simple verb, but here the con naturally suggests a silence on the part of *all.* — **celerius esse multo**: see on 8, 32, tam porro regium. — **quid tacetis**: including Sulpicius as well as Cotta. — **requiratis**: i.e. quaeratis, as in 48, 207; II. 18, 74.

161. **vim atque incitationem**: hendiadys; *its mighty movement*, a figure derived from the speed of a horse. For incitatio in this sense, see Acad. II. 26, 82: *ille sol qui tanta incitatione fertur*, etc. — **vestigia ingressumque**: *the traces of its course.* — **veste**: (i.e. stragula) *tapestry;* this and the following ablatives are to be construed as descriptive. A. 251; G. 400; H. 419, II. — **argento**: *silver plate.* — **contemplari**: *to observe them more carefully.* — **nosse atque vidisse**: Intr. 9, 1, r; cf. 3, 10: *scientia et cognitione;* 43, 193: *percipi cognoscique;* also 31, 143: *cognoram et acceperam.*

162. **Quin . . . facis**: cf. II. 29, 127: *quin tu omittis ista*, etc.; 61, 249: *quin prodis, mi Spuri.* Quin in animated questions with the indicative has the force of a mild command; see A. 269, f; G. 273; H. 504, foot-note.—**petes**: fut. for imv. A. 269, f; G. 243; H. 487, 4.— **transenna**: *lattice window.*

163. **contempserit**: cf. 22, 102; 30, 136.—**sed**: resumes the thought after the parenthesis. —**veniam da**: cf. 21, 98.

164. **mehercule**: never the first word; cf. 161.—**in causis oratione**: *in forensic oratory.* — **graveris**: for gravere, to avoid the hiatus. — **Formam**: *outline;* cf. de Off. I. 5, 14: *Formam quidem ipsam Marce fili, et tamquam faciam honesti vides.*

36. 165. **non queo**: always in Cicero for nequeo; M. 159, obs. 1.—**Ain'**, for aisne: a conversational form of mingled surprise and contradiction; cf. Brut. 41, 152: *Hic Brutus, "ain' tu?" inquit "etiamne Q. Scaevola Servium nostrum anteponis?"* —**pervagatis**: *trite;* cf. III. 49, 188: *haec opera cotidiana et pervagata.*— **huic aetati**: cf. 2, 5: *vix sunt hac aetate digna.*— **de naturis hominum**: i.e. ethics, psychology, etc.; cf. 11, 48; 12, 53.—**instrumento**: collective, like apparatus; *equipment;* cf. Brut. 97, 331: *qui . . . eloquentiam locupletavisses graviorum artium instrumento.*

166. **Potes igitur . . . eos**: *can you then regard those as orators*, etc., i.e. thinking as you do, that this knowledge is merely a personal accomplishment and not essential for the orator. — **quos expectavit**: Scaevola, as the *assessor* of the Praetor, must sit through the speech, impatiently enough, for he is on his way to the campus to engage in his accustomed game of ball; cf. Tac. Dial. c. 20: *Quis quinque in Verrem libros expectabit.*— **et . . . et**: *half . . . half.* — **Scaevola**: P. Mucius Scaevola, father of Q. Mucius Scaevola, Pont. Max.; see 48, 212; 50, 217. — **M. Crasso**: probably the grandfather of the triumvir. — **contenderet**: ironical; Hypsaeus did not of course *strive to lose his case* (causa cadere), but made a claim which technically should have resulted in a nonsuit. A ward who had been defrauded by a guardian was, according to the law of the XII tables, entitled to double the amount. In this case, Hypsaeus, as counsel for a ward, made a claim upon the guardian for *more* than double the amount, and consequently, according to the general rule, ut

causa cadat is qui non quemadmodum oportet egerit, must have lost his case. But Octavius, the counsel for the guardian, is equally ignorant of law, and fails to take advantage of the flaw, but rather exerts himself to prevent the suicidal action of his opponent (recusaret ne adversarius causa caderet). It is not easy to determine when this trial took place; probably in 121 B.C., when the Augur Scaevola was in Asia; hence he adds (167), memini mihi narrare Mucium.—**consularis**: added not to distinguish the man, but to make his ignorance seem the more disgraceful. A guardian convicted in an action of this kind was legally degraded; hence, turpi tutelae iudicio.

167. **lege agendo**: i.e. in the proceedings before the Praetor who had to draw up the case for trial.—**in XII tabulas**: a rule referred to above, lex actionem adversus tutorem in duplum decernebat.—**impetrasset**: viz., a praetore ut ista condicione causa ageretur.—**caderet**: i.e. cadere eum oportebat.—**secum agi**: i.e. lege a se peti; "that more should be demanded from him."—**quam quod erat in actione**: "than the law in such cases specified."

37. 168. **in his paucis diebus**: *within these few days;* see A. 256, a; G. 394; H. 429, 1.—**Pompei**: Q. Pompeius Rufus, Praetor in 91 (this year), consul with Sulla in 88, later murdered by the soldiers of Cn. Pompeius Strabo.—**sedentibus**: i.e. as an *assessor*, like Scaevola in the trial mentioned above.—**illi unde peteretur**: "the defendant."—**exceptio**: a *reservation*, a saving clause, provided for the protection of the plaintiff, but introduced here by the defendant's counsel in ignorance of its real purpose (quod petitoris causa comparatum esse non intellegebat). If the plaintiff demanded a debt before it was due, he would not only lose his case in that action, but could not bring action again, quod ea res in iudicium ante venisset. The reservation, cuius pecuniae dies fuisset, was a technical qualification of his claim that saved him from being barred in a subsequent action. The defendant in this case makes use of it only to get a postponement till the debt is due.—**ut . . . ne excluderetur**: ironical, like contenderent in 166; *that he might not be barred by the reservation* (from bringing a second suit), i.e. this would be the necessary consequence (and quite to his own

detriment), of the proceeding to which he resorts. — **infitiator**: *debtor*.

169. **hoc**: pleonastic before quam: cf. II. 9, 38: *hoc certius nihil esse potest quam*, etc.; 74, 302: *Quo quidem mihi turpius videri nihil solet quam*, etc.; de Fin. I. 6, 19: *quo nihil turpius physico quam*, etc.; in Verr. IV. 35, 77: *quid hoc tota Sicilia est clarius quam*, etc.; de Nat. Deor. I. 15, 38: *quo quid absurdius quam*, etc. — **adflictos excitet**: cf. 8, 32. hunc repeating eum, but cumulative in view of the intervening definitions of eum; cf. 23, 109: *ea . . . haec*.

170. **propinquum**: so called because the grandfather of Crassus had adopted him. — **in hoc**: see on 11, 47: *quo in libro*, and cf. 20, 91: *in altero autem*, etc.; II. 11, 44: *in eo quidem genere scio*, etc. — **P. Scaevolae**: mentioned in 166, father of Q. Mucius Scaevola. — **illum**: in contrast with se; cf. 51, 221. So illi arti with reference to dicendi copiam in iure civili: in the practical applications of the ius civile. — **illi arti**: bracketed by Kayser, Piderit, and Wilkins, who take satisfacere with in iure civili, as in III. 22, 83: *satisfacere in gestu;* de Leg. I. 2, 5: *satisfacere in historia*, etc.; but the dat. is also common; cf. 11, 50: *philosophiae non satisfecisse*, etc.; and the phrase illi arti satisfacere appears to mean, "answer to the dignity of that profession." For the tmesis, cf. 47, 204.

171. **M. Cato**: b. 234, d. 149, B.C.; cf. III. 33, 135: Quint. XII. 11, 23: *M. Censorius Cato, idem orator, idem historiae conditor, idem iuris, idem rerum rusticarum peritissimus, inter tot operas militiae, tantas domi contentiones, rudi saeculo litteras Graecas aetati iam declinata didicit;* Liv. XXXIX. 40: *Ad summos honores alios scientia iuris, alios eloquentia, alios gloria militaris provexit: huic versatile ingenium sic pariter ad omnia fuit ut natum ad id unum diceres, quodcumque ageret. In bello manu fortissimus multisque insignibus clarus pugnis; idem postquam ad magnos honores pervenit, summus imperator; idem in pace, si ius consuleres, peritissimus; si causa oranda esset eloquentissimus. Nec is tantum, cuius lingua vivo eo viguerit, monumentum eloquentiae nullum exstet: vivit imo, vigetque eloquentia eius sacrata scriptis omnis generis. Orationes et pro se multae et pro aliis et in alios.* — **illa tempora atque illa aetas**: cf. 4, 16.

— **ferre**: *produce.* — **verecundius**: *with great timidity.* — **vir in dicendo summus**: viz., Antony. — **unum**: see on 22, 99.

38. 172. **incredibilis quaedam**: cf. 4, 14. — **prope singularis**: *almost matchless.* — **tueri atque defendere**: *to maintain* (when there is possible danger and at least need of care) *and defend* (when there is positive danger). For similar union, cf. ad Fam. XIII. 64, 1; Tac. Germ. 14. — **dubitabo**: see on 14, 61. — **inertiae**: A. 220; G. 378; H. 409, II. — **sententia mea**: i.e. as a judge.

173. **volitare**: as in II. 24, 101: *in toto foro volitare et a causa ad causam ire.* — **haerere in**: *stick to;* cf. II. 72, 292: *ibi commorer, ibi habitem, ibi haeream.* — **praetorum tribunalibus**: more specific than iure. — **iudicia privata**: *civil cases.* — **obire**: *attend to,* as if in the management of their own domain. — **aequitate ac iure**: thus brought together aequitas denotes the inner living essence of law which has found its expression in ius. Pid. — **centumviralibus**: from the title (centumviri) of the jury for the trial of civil causes, having to do with questions of property, and particularly with those of inheritance. It consisted of 105 members in the latter part of the Republican age (3 from each tribe), but the number was increased to 180 under the Empire. — **usucapionum**: "ownership by uninterrupted possession." — **gentilitatum**: gentilitas embraced all the members of the gens; agnatio, all those connected by descent from the same father. — **adluvionum**: lands formed by accretions from streams; **circumluvionum**: islands so formed. — **nexorum mancipiorum**: *obligations, conveyances.* The three following expressions, *walls, lights, drippings,* have reference to the limitations of ownership in city houses, where walls may be in common; windows must not be obstructed arbitrarily by neighboring buildings, and roof drippings must not be a nuisance to neighbors. — **quid suum . . . quispiam sit**: i.e. the most elementary matters in legal knowledge. — **ignoret**: see on 8, 30: *velit.*

174. **didicisse**: depends upon profiteri suggested by confiteri. — **mihi**: see A. 236; G. 351; H. 389. — **in circulo**: *in a private circle;* cf. 34, 159. He could command his thoughts in the presence of a few acquaintances better than in public court. — **stipulatiuncula**: a trivial agreement made in the form of ques-

tion and answer. — **obsignes**: as if to confirm the disadvantageous document. — **quibus in tabellis**: a repetition of the antecedent for perspicuity. Very frequent in Caesar and not uncommon in Cicero, especially when, as here, he naturally glides into the imitation of legal phraseology; see A. 200, a; G. 615; H. 445, 8. — **citius**: = facilius; *rather*. — **in Euxino ponto**: a very stormy sea. — **Argonautarum**: referring to a well-known definite ship, antithetical to naviculam, as gubernavit is to everterit, and Euxino ponto, to in portu.

175. **in quibus certatur**, etc.: *in which the contest turns upon the civil law*. — **os**: *effrontery*, like the slang "cheek"; cf. II. 7, 29: *hoc totum, quicquid est, sive artificium sive studium dicendi, nisi accessit os nullum potest esse.* — **igitur**: *for example.* — **illius**: the case was a well-known one; cf. Val. Max. VII. 7, 1; A. 102, b; G. 307, 2; H. 450, 4. — **egissetque lege**: "had introduced legal proceedings before the Praetor." — **testamento exheres filius**: a repetition of miles, but it contains the argument on which the action (egisset lege) is based. exheres with the construction of expers; see A. 218, a; G. 374; H. 399, I. 3.

39. 176. **patricios**: added to Claudios to denote the different patrician families of the Claudii, in distinction from the plebeian families of the same gens, of which the Marcelli were the most prominent. — **ab liberti filio**: the freedman whose son's estate is here in question must have belonged originally to a patrician Claudius, and have entered the family of the Marcelli after his manumission, as otherwise the Claudii could have had no claim at all. — **stirpe**: by right of *family;* **gente**: by right of gens. — **ab liberti filio . . . eiusdem hominis hereditatem**: Intr. 9, 1, c; see on 1, 1, saepe numero and vetera.

177. **accepimus**: i.e. from an earlier time. — **venisset**: sc. is, or aliquis. — **quasi**: because patronum suggests clientage; but the relations here are only analogous. — **ius applicationis**: *the right of attachment*, denoting the right, to which the peregrinus was entitled, of attaching himself to a patron, in which case the latter would inherit from him if he died intestate or without lawful heirs.

178. **C. Sergius Silus Orata**: Praetor in 97 B.C., a man with habits of luxury, said to have received his surname (Aurata)

from the gold fish of which he was very fond. Orata is the popular form of the name, as oriculae for auriculae, orum for aurum. — **iudicio privato**: before a single judge appointed by the Praetor to act under a formula iudici. — **M. Marius Gratidianus**: son of Gratidius, whose sister was Cicero's grandmother, and adopted by the brother of C. Marius, Praetor in 86 and 82 B.C., and killed by Catiline at the command of Sulla. — **servire**: *was encumbered*, i.e. with an obligation toward the real estate of a neighbor; cf. 38, 173: parietum, luminum, stillicidiorum. The case is more fully stated in de Off. III. 16, 67. — **quandam**: denotes that servire could or should have been specified with reference to some particular part, which was not done; while ullam would denote that it had been expressly denied of every part. — **mancipi lege**: *bill of sale.* Just below, mancipium denotes the thing sold. — **defendebamus**: *we argued;* cf. 10, 43: *vincerent.* — **praestare**: *to make good, be responsible for*, as in 25, 113; cf. de Off. III. 16, 65: *Quicquid enim esset in praedio viti, id statuerunt, si venditor sciret, nisi nominatim dictum esset praestari oportere.*

179. **in genere**: i.e. with reference to guarantees; closer specification follows in the words simili in re; i.e. in the sale of a house. — **quodam modo erravit**: *made something of a blunder.* — **L. Fufius**: in 98 B.C. prosecuted M. Aquilius on a charge of repetundarum; cf. II. 47, 194. Of Buculeius nothing further is known. — **in mancipio**: again in its original sense, "act of conveyance." — **lumina . . . recepit**: "assumed the responsibility with reference to the outlook that it should remain as it then was"; i.e. he sold the house subject to the existing urban servitudes. — **egit cum**: *brought a suit against.* — **officeretur**: cf. 38, 173. The clause concerning the view could of course only apply to the next neighbor.

180. **M'. Curi causa**: a most celebrated case, often cited by Cicero as an example of the conflict between the scriptum and the sententia. He states it with most detail in Brut. 52, 195 ff. A man at his death, supposing his wife to be pregnant, had directed by will that if the child should die before reaching the age of fourteen, M'. Curius should succeed to his property. No son was born; and M. Coponius, next of kin to the deceased,

claimed the property on the ground that the condition of the succession of Curius had not been fulfilled. Scaevola appeared as the advocate of Coponius; but Crassus won the case for Curius. — **expectatione**: *eager attention; suspense.* — **limatus atque subtilis**: cf. Brut. 52, 197: *quae quidem omnia cum perite et scienter tum ita breviter et presse et satis ornate et pereleganter* (*Scaevola*) *diceret, quis esset in populo, qui aut expectaret aut fieri posse quicquam melius putaret.* — **iuris peritorum**, etc.: Intr. 9, 1, d; cf. Brut. 39, 145. — **antequam . . . veniret**: *before he became of age;* i.e. before he completed his fourteenth year. — **auctoritatibus**: *opinions;* i.e. of competent jurists. — **exemplis**: i.e. similar cases. — **formulis**: i.e. those prescribed for the making of wills. — **in medio**: i.e. with questions which involved the fundamental principles of law.

40. 181. **capitis**: so called inasmuch as civic rights were at stake. — **Etenim si**: the conclusion follows in 182. — **C. Mancinum**: to be taken with iussit educi. The effort to make a full and clear statement of the case in what intervenes makes the period less smooth and regular than usual; for an account of Mancinus, see Mom. III. 27, 28. — **ex S. C.**: i.e. ex senatus consulto. — **P. Rutilius**: Tribune of the people 136 B.C., to be distinguished from P. Rutilius Rufus, mentioned in 53, 227. — **quod negaret**: a causal clause with quod, whose predicate is a verbum declarandi, is usually in the subj. in Cicero; A. 341, R.; G. 541, 3; H. 516, II. 1. — **populus vendidisset**: which could be resorted to in case of evasion of public duty. — **dedisset**: i.e. to an enemy in case of breach of faith. — **ei nullum esse postliminium**: *he had no right of return;* cf. pro Caec. 34, 98: *Quid? quem pater patratus dedidit, quo is iure amittat civitatem? Ut religione civitas solvatur, civis Romanus deditur; qui cum est acceptus, est eorum, quibus est deditus; si non accipiunt, ut Mancinum Numantini retinet integram causam, et ius civitatis.*

182. **de capite**: sums up the preceding particulars. — **in civili iure consisteret**: *would depend upon the interpretation of the civil law.* — **Similique in genere**: has reference to the kind of case — inferiore ordine, to the rank of the person, and is also governed by in; cf. 39, 179: *Quo quidem in genere*, in connection with *simili in re.* — **hanc civitatem**: i.e. Roman citizenship.

183. **continuone**: i.e. immediately after the admission to the list of citizens. The expression lustrum sit conditum denotes the formal completion of the census by the sacrifice of the suovetaurilia; cf. Livy I. 44. — **nuntium remisisset**: i.e. repudium remisisset. — **mortuus esset**: the plupf. as relating what occurred before the time of adducta est; cf. 7, 26: *incidisset.* — **capitibus**: *the civil rights;* note the hypallage = de duorum civium capitibus. — **certis quibusdam verbis**: i.e. the regular legal formula, as, tuas res tibi habeto. — **in concubinae duceretur**: I prefer to take these words in the easiest and most natural sense: "would be brought to the condition of a concubine." To give duceretur the technical sense, as in uxorem ducere (Ellendt, Sorof), seems forced, and is hardly borne out by the tense.

184. **erectum et celsum**: *erect and lofty.* — **alacri et . . . voltu**: i.e. alacri ore atque prompto voltu; Intr. 9, 1, o. — **tendentem**: *offering;* cf. Phil. X. 4, 9: *Graecia tendit dexteram Italiae suumque ei praesidium pollicetur.* — **inprimis flagitiosum**: *scandalous in the highest degree.*

41. 185. **segnitatem**: a form which occurs nowhere else in Cicero, — for signitiem or segnitiam. — **magna**: i.e. laborious; cf. II. 23, 96: *exercitationibus crebris atque magnis.*

186. **praefuerunt**: cf. 10, 39; 45, 198. — **scientiae**: cf. 3, 10. — **editum**: sc. ius. — **Cn. Flavio**: a scribe of Appius Claudius Caecus, who in the year 304 B.C. published the legal formulas hitherto kept secret by the priests; cf. Liv. IX. 46, 1: *Eodem anno Cn. Flavius Cn. filius scriba, patre libertino humili fortuna ortus, ceterum callidus vir et facundus, aedilis curulis fuit. Civile ius repositum in penetralibus pontificum evulgavit fastosque circa forum in albo proposuit, ut quando lege agi posset sciretur;* Cic. p. Mur. 11, 25. — **actionibus**: *the forms of pleading.* — **artificiose**: (*systematically*) goes with componerent; generatim with digesta; cf. 42, 190: *in genera digerat.* — **ad artem redigi**: *be reduced to a system.* — **illam scientiam**: i.e. logic. For a similar repetition of ille, cf. II. 1, 2; III. 3, 10. — **ex eis rebus**: cf., for this use of res in the sense of "subjects of knowledge," 19, 85; 36, 165.

187. **experiar et dicam**: *I will try to express it;* hendiadys; see Intr. 9, 1, q.

42. conclusa artibus: *brought together in systematic form.* — **musicis**: see on 3, 10. — **numeri**: *measures;* voces, *tones;* modi, *melodies.* — **astrologia**: i.e. astronomy. — **grammaticis**: see on 3, 10: *musicis.* — **historiarum**: see on 34, 158. — **pronuntiandi quidam sonus**: *a definite,* i.e. *artistic, accent in pronunciation.* — **ornare**: sc. oratione; cf. 31, 142, where as regularly dispositio precedes elocutio; but here ornare is drawn out of its place by the similarity of ending. — **disiecta et diffusa late**: *in confusion and widely scattered.*

188. **adhibita**: see on 34, 157. — **genere**: as in 22, 104; logic is meant. — **adsumunt**: cf. 12, 54. — **conglutinaret**: *firmly combine;* cf. Cat. Mai. 20, 72: *opus ipsa suum eadem, quae conglutinavit, natura dissolvit.* — **finis**: *aim;* cf. de Off. I. 39, 138: *domum . . . cuius finis est usus.* — **legitimae atque usitatae,** etc.: i.e. equity, "as it depends upon law and usage."

189. **genera**: *general divisions;* cf. Or. 53, 177: *notandum certe genus.* — **et ad certum numerum paucitatemque revocanda**: *and to be reduced to as small a number as possible;* cf. II. 34, 145: *quoniam intellegeretur — genera esse definita non solum numero sed etiam paucitate;* de Inv. I. 22, 32: *quae partitio rerum distributam continet expositionem, haec habere debet: brevitatem, absolutionem, paucitatem.* — **similis**: in agreement with partis. — **communione quadam**: *by some common trait.* — **partes**: i.e. species: "particular kinds." — **definitio**: cf. Or. 33, 116: *est definitio oratio, quae quid sit id, de quo agitur, ostendit brevissime.* — **rerum earum**: i.e. the real generic traits. — **circumscripta**: *definitely limited;* cf. 15, 52.

190. **haberetur**: subj. imp., to conform with cernerem; cf. ad Fam. III. 1, 1: *Si ipsa res publica tibi narrare posset, quo modo sese haberet, non facilius ex ea cognoscere posses quam ex liberto tuo Phania;* and 48, 210: *esset.* — **aut . . . aut**: see Intr. 9, 1, e; cf. 4, 13; 9, 35, 36; II. 12, 49; III. 39, 118, where, as here, one of the members connected by aut has a subordinate pair similarly connected. — **diu cogito**: Cicero identifies himself with Crassus, and alludes no doubt to the work which he had begun, De iure civili in artem redigendo. — **obscuram**: *unintelligible.*

191. **iusta**: *adequate;* cf. Or. 41, 140: *iusta esset excusatio.*

43. C. Aculeo: the husband of Helvia, Cicero's mother's sister. — **ab hoc**: viz., Scaevola.

192. **collocata**, etc.: *involved in daily practice.* — **neque ita multis litteris**, etc.: there were only the forms of legal processes, the XII tables, the Praetorian edicts, and a few statutes to be considered; cf. pro Mur. 13, 28: *difficilis autem res ideo non putatur, quod et perpaucis et minime obscuris litteris continetur. Itaque si mihi homini vehementer occupato stomachum moveritis, triduo me iuris consultum esse profitebor.* — **elata**: *published;* cf. 24, 111: *efferatis.* — **pluribus**: as, e.g., Sextus Aelius Catus, Cato, the Mucii, and others.

193. **percipi cognoscique**: for the same combination, cf. 12, 50; 47, 204; 51, 222. — **Aeliana studia**: grammatical and philological pursuits brought into fashion by L. Aelius Stilo, the teacher of Varro and Cicero. Cf. Brut. 56, 205: *Fuit is (Aelius) omnino vir egregius et eques Romanus cum primis honestus idemque eruditissimus et Graecis litteris et Latinis, antiquitatisque nostrae et in inventis rebus et in actis scriptorumque veterum litterate peritus.* Haec marks him as a contemporary of Crassus. — **plurima effigies**: *many a representation.* — **pontificum libris**: inasmuch as all public business, and especially judicial proceedings, were closely connected with religion, the libri pontificum contained, besides matter connected with sacred observances, legal prescriptions, the usual forms of actions, etc. They are called commentarii pontificum by Livy IV. 3, 9. — **vetustas prisca**: i.e. the archaic and obsolete forms, as duit for dederit, endo for in, etc. — **civilem scientiam**: *the science of government*, in which case the study would serve a practical purpose, in contrast with the mere gratification afforded by the scholarly pursuit of antiquity and philosophy. — **non putat**: see 10, 39 ff. — **utilitatibus**: *useful arrangements;* cf. 9, 36. — **videbit**: i.e. upon consideration. — **praepotens et gloriosa**: *authoritative and boastful;* because the principles of philosophy are applicable in all branches of knowledge and all departments of life. Cicero here means moral philosophy, which must have law and the principles of equity as a basis for ethical discussion. — **dicam**: see on dubitabo, 14, 61. — **habet**: i.e. at any time, on account of the constant relation between legal right and ethical principles.

194. **Ex his**: to be connected with videmus; his must also be supplied with docemur. — **dignitatem expetendam**: since the knowledge of justice and law furnishes the strongest impulse to a life morally noble and full of worth. — **iustus atque honestus**: *upright and honorable.* — **damnis**: *fines;* the penalties mentioned go in pairs, but there is a gradation from damnis to morte; Intr. 9, 1, h. — **nutuque**: cf. 9, 38. — **alienis**: used substantively, as against nostra.

44. 195. **mehercule**: see on 35, 164. — **libellus**: schoolboys committed the text of the XII tables to memory when Cicero was a youth; cf. de Leg. II. 23, 59: *Discebamus enim pueri XII ut carmen necessarium, quas iam nemo discit.* — **fontis et capita**: the XII tables formed the foundation of all the later legislation; for the expression, cf. 10, 42; Intr. 9, 1, t.

196. **nostra patria**: emphatic; because it is our own (however small it may be). The argument is from the less to the greater in eius modi patriam quae, etc. — **cuius rei**: viz., amoris patriae. — **tanta . . . tanta**: for the repetition, cf. de Leg. I. 22, 58: *cuius praecepti tanta vis et tanta sententia est.* — **in asperrimis saxulis**: so the Homeric epithets are κραναή, Il. 3, 201; παιπαλόεσσα, Od. 11, 480; τρηχεῖα, Od. 9, 27. The diminutives make the passage graphic and vivid; cf. II. 21, 88: *in causa parvula adulescentulum audivi.* — **sapientissimus vir**: cf. de Leg. II. 1, 3: *qua re inest nescio quid et latet in animo ac sensu meo, quo me plus hic locus (villa patria) fortasse delectet, si quidem etiam ille sapientissimus vir, Ithacam ut videret immortalitatem scribitur repudiasse.* — **immortalitati**: which Calypso, the daughter of Atlas, promised him. — **primum**: seems to refer to the general reason introduced by vel, and we are led to expect deinde to mark the more special reason. The distribution by vel — vel permits the omission of the second particle. — **mens**: *spirit.* — **disciplina**: *constitution.*

197. **prudentia**: see on 2, 8. — **illorum**: viz., Graecorum. For the comparatio compendiaria, cf. 4, 15: *ceteris hominibus.* — **quam sit**: for the arrangement, see on 8, 32: *tam porro regium.*

45. 198. **mercedula**: *paltry gain;* with disparagement. — **πραγματικοί**: cf. 59, 253. They were court officers, who furnished

to the parties in a suit the necessary legal material, as records, laws, etc., for pay. Later (under the Empire) there were the same among the Romans. — **sic . . . contra**: a contrast is similarly marked in Tusc. Disp. V. 6, 16: *ut hi miseri, sic contra illi beati.* — **summo poeta**: viz., Ennius. — **egregie cordatus homo**: *a man of extraordinary wisdom*, since in the earlier Latin cor was synonymous with mens; catus is, according to Varro, de Ling. Lat. VII. 46, of Sabine origin, and equivalent to acutus. — **Sex. Aelius Paetus**: Cos. in the year 198, Cens. 184. Aelius, pronounced Aeliu'; A. 359, c, note; G. 703, R. 3; H. 608, I. note 3. This suppression of final *s* before a consonant Cicero refers to in Or. 48, 161, as characteristic of the early poets: *Ita non erat offensio in versibus, quam nunc fugiunt poetae novi. Ita enim loquebamur: "Qui est omnibu' princeps," non "omnibus princeps," et: "vita illa dignu' locoque," non "dignus."* — **multique praeterea**: sc. ministros se praebuerunt, not, however, in iudiciis oratoribus, but domi consulentibus; a distinction not to be overlooked, though not stated in the text. — **auctore**: i.e. duce, or adiutore; cf. 46, 202: *ingeni praesidio.* So in 17, 75, the arts are personified and called comites ac ministratrices oratoris, and auctor is applied to things in Verr. II. 3, 9, 49: *Haec vos antea . . . ita audisti, ut auctorem rumorem haberetis sermonemque omnium.* — **in respondendo iure**: cf. de Leg. I. 4, 12: *si te ad ius respondendum dedisses;* also II. 12, 29; respondere de iure is the more common expression.

199. **senectuti celebrandae**: = ut senis domus celebretur; cf. II. 33, 143; III. 33, 133. — **causarum usum forensem**: hypallage, similar to that in 3, 11: *artium studiis liberalissimis.* — **quod fere iam tempus adventat**: Crassus, however, is only forty-nine; cf. II. 4, 15: *dum obsequor adulescentibus, me senem esse oblitus sum.* — **ista ab solitudine**: with reference to the words senectuti vero celebrandae, etc., by which an eventual solitudo senectutis is suggested. — **apud Ennium**: the verses are from a tragedy of Ennius, probably the Eumenides. — **summarum rerum**: i.e. salutis suae, as summa respublica = salus reipublicae. — **ex incertis**: changed to pro incertis by Ribbeck for the sake of the meter. — **temere tractent turbidas**: note the alliteration, much used in the earlier poets.

200. **domus iuris consulti**: cf. Or. 41, 142: *Cur igitur ius civile docere semper pulchrum fuit hominumque clarissimorum discipulis floruerunt domus, ad dicendum si quis acuat aut adiuvet in eo iuventutem, vituperetur?* — **Q. Muci**: cf. Phil. VIII. 10, 31: *Q. Scaevolam augurem memoria teneo bello Marsico, cum esset summa senectute et perdita valetudine, cotidie, simul atque luceret, facere omnibus conveniendi potestatem sui,* etc. On adfecta, cf. Gell. N. A. III. 16, 19: *adfecta enim, sicuti M. Cicero et veterum elegantissimi locuti sunt, ea proprie dicebantur, quae non ad finem ipsum, sed proxime finem progressa deductave erant.* — **maxima cotidie frequentia**: see on tum ibi, 18, 82.

46. 201. **existimem**: cf. 34, 159; 36, 165. — **publica iura**: cf. Dig. L. 1: *publicum ius est quod ad statum rei Romanae spectat, privatum, quod ad singulorum utilitatem.* — **tum**: *and also;* tum thus introduces an additional and (often) a more important circumstance; cf. de Off. I. 6, 19: *tum agitatio mentis;* and I. 21, 71: *tum offensionum et repulsarum.* — **in . . . iudiciis**: *in judicial transactions concerning private affairs.* — **iudiciorum**, etc.: i.e. whether they are conducted in the courts, before the public assembly, or in the senate; cf. 16, 73. — **auctoritas**: *authoritative statements.* — **subiecta esse**: *be at the command of.*

202. **causidicum**: *common pleader.* — **clamatorem**: mentioned in contrast to the perfect orator, also II. 20, 86; III. 21, 81; cf. Brut. 49, 182: *ut intellegi possit, quem existimem clamatorem quem oratorem fuisse;* Or. 11, 46: *non enim declamatorem aliquem de ludo aut rabulam de foro, sed doctissimum et perfectissimum quaerimus.* — **antistes**: to denote eloquence as an art of divine origin. — **cuius cum . . . facultatem**: for, quam, cum eius facultatem; the relative, as often, being drawn to the subordinate clause. — **ipsa natura**: i.e. without divine help. — **largitus esse**: cf. Cat. Mai. 23, 83: *si quis deus mihi largiatur, ut ex hac aetate repuerascam et in cunis vagiam, valde recusem.* — **divinitus**: as in 7, 26. — **caduceo**: i.e. as indicating an official rank. Legati, also called oratores (Varro, Non. p. 529), carried as mediators a wand by virtue of which they were inviolable. — **innocentiam**: the quality put for the person; cf. pro Sest. 66, 138: *mihi omnis oratio est cum virtute, non cum desidia, cum dignitate, non cum voluptate.* — **labentem**: corresponds to

the following ab errore deducere; cf. de Off. I. 6, 18: *labi, autem errare, nescire, decipi et malum et turpe ducimus.*

203. **inscientiam**: the "want of adequate knowledge," i.e. for a full exposition of the orator's great work; not to say, however, that Crassus was ignorant of the existing treatises on rhetoric. — **rei magnitudinem**: as in 5, 16. — **fontis atque itinera**: i.e. the studies and exercises mentioned. — **ita**: with limiting force; *only so;* cf. 51, 221. — **commonstrarem**: cf. II. 41, 174: *si aurum cui, quod esset multifariam defossum, commonstrare vellem, satis esse deberet, si signa et notas ostenderem locorum.* — **ut fieri solet**: sc. ab eis, qui viam commonstrant.

47. 204. **satis . . . factum**: tmesis; cf. 205: *perque iucunda;* 49, 214; *per mihi mirum;* II. 67, 271: *per mihi scitum.* — **studiis**: plur., as ingeniis, 23, 106, because more than one person is spoken of. — **solitum aiunt dicere**: not in exact words, at least so far as any passage in Plato or Xenophon is known; but in the general aim of his teaching. His efforts were directed to awaken in his hearers a desire for truth and be helpful to them in pursuit of it. — **si qui**: see on 2, 8: *ne qui.* — **cognoscendae percipiendaeque**: cf. 43, 193: *percipi cognoscique.* — **doctrinam**: *instruction;* cf. 3, 11: *studiis doctrinisque.* — **haec quae patefecit**: i.e. the studia, or the fontis atque itinera ipsa mentioned in 203. — **ab hoc**: sc. Crasso. — **aditu ianuaque**: *entrance and doorway;* but expressing a single idea, hence patefacta in the sing.; Intr. 9, 1, q.

205. **valde breviter percursa**: *gone over very briefly;* in 31, 137 ff.; cf. 32, 148: *quae abs te breviter de arte decursa sunt.* — **latius**: *more in detail.* — **tamen**: *after all,* though not all we could desire; of. 24, 115; II. 22, 91; 48, 198. — **vias earum rerum rationemque**: cf. III. 36, 145: *illorum ancipites vias rationesque;* but the sing. of both substs. is more common; cf. 19, 87.

206. **Quid si . . . petimus**: as in II. 57, 231: *quid si . . . adsentior Antonio;* Hor. Od. III. 9, 17: *quid si prisca redit Venus.* — **obsecutus sum**: *have yielded* to your wish; cf. II. 4, 15: *dum obsequor adulescentibus.* — **naturae**: *inclination.* — **continet**: "holds in his knowledge," as a private personal possession; hence, protulit; iam belongs to excidisse. — **dudum**: *a*

little while ago, denotes a more definite recent time than pridem; cf. II. 65, 262: *dixi enim dudum rationem aliam esse ioci aliam severitatis.* — **questus est**: Antony was reluctant to publish his speeches, for a reason hardly creditable to him if we take the statement of Cicero, pro Cluent. 50, 140: *Hominem ingeniosum M. Antonium aiunt solitum esse dicere, idcirco se nullam umquam orationem scripsisse, ut, si quid aliquando non opus esset ab se esse dictum, possit negare dixisse.* — **mysteria**: cf. Tusc. Disp. IV. 25, 55: *ne rhetorum aperiamus mysteria;* de Or. III. 17, 64: *eos (Epicurios) admoneamus, ut illud, etiam si est verissimum, tacitum tamen, tamquam mysterium, teneant.* — **enuntiet**: the usual expression for disclosing a secret, as noted by Wilkins; cf. Caes. de Bel. Gal. 1, 4: *ea res est Helvetiis per iudicium enuntiata;* and 31: *ne ea, quae dixissent enuntiarentur.* — **quid tu intellegas, sentiemus**: *we shall learn what your views are.*

207. **id aetatis**: i.e. eius aetatis; see A. 240, b; G. 334; H. 378, 2. — **oneris**: governed by id before nobis, emphatic separation; cf. 1, 3: *quantum . . . oti;* III. 23, 86: *non tantum . . . temporis;* Intr. 9, 9.

48. **deprehensum**: *caught;* as in Verr. II. 4, 12, 29: *tum se deprehensum negare non potuisse.* — **video atque sentio**: *see and feel.* — **requiruntur a me**: cf. 35, 160. — **insolens**: *unaccustomed*, from want of practice; cf. 22, 99: *istius disputationis insolentia.* — **fugere**: i.e. cavere. — **succedam**: Cicero here, and possibly also in 53, 229, exchanges his own time for that of Antony, an anachronism justified by the fact that it brings out another point of resemblance between Crassus and himself. To make the closing speech was a place of distinguished honor among advocates. Cicero tells us in Brut. 57, 207, speaking of the times of Antony: *neque tam multa, quam nostra aetate, iudicia fiebant, neque hoc, quod nunc fit, ut causae singulae defenderentur a pluribus, quo nihil est vitiosius.*

208. **hoc ingrediar . . . audacius**: *for this reason*, etc.; cf. II. 2, 9: *Quod hoc etiam spe aggredior maiore ad probandum;* for the expression ingredi ad, see also 21, 94. — **usu esse venturum**: *will happen;* lit., "come in practice." — **quam numquam didici**: see 30, 135; and cf. II. 7, 29: *docebo vos, discipuli, id quod ipse non didici, quid de omne genere dicendi sentiam.* — **in**

commentarium meum: see 21, 94. — **iniquitatem**: *unfairness.* — **nescirem**: the subj. indicates that his ignorance is known to those who make the request; A. 340; G. 628; H. 516, II. — **facilitatem**: *graciousness.* — **inductus**: *beguiled.*

209. **Ego vero**, etc.: Antony addresses himself to the debate with Crassus rather than to the wish of Sulpicius, a turn which is pleasantly referred to in II. 10, 40. — **ut . . . explanetur**: often insisted upon by Cicero; cf. de Rep. I. 24, 39; Or. 33, 116; de Off. I. 2, 7, etc. — **vagari et errare**: "to sway hither and thither in uncertainty"; supply quod fieri necesse est before si ei. — **quo de agitur**: an arrangement resorted to by Cicero only in legal phrases, as, de Inv. I. 19, 27; II. 11, 37; 23, 70.

210. **quarum . . . compotes**: *those who are qualified in capacity and knowledge to take charge of such enterprises;* animo denotes the directing capacity, admitting the element of personal power and character in addition to mere knowledge (scientia). — **Africanorum**, etc.: i.e. such men as Africanus; and the connection with Maximus shows that the elder Scipio is here meant.

211. **consili publici auctorem**: *political leader*, the one who directs and is in some sense responsible for the policy of the state; cf. 49, 215; III. 17, 63: *philosophia . . . procul abest ab eo viro, quem quaerimus et quem auctorem publici consili et regendae civitatis ducem . . . esse volumus.* — **P. Lentulum principem illum**: sc. senatus; Cos. in 162, and in 122 acted with Opimius against C. Gracchus. — **T. Gracchum**: see 9, 38. — **Q. Caecilius Metellus**: conquered Andriscus and received Macedonia as a Roman province in 148; Cos. in 143. — **C. Laelium**: see 13, 58. — **P. Africanum**: the younger Scipio.

212. **respondendum, agendum, cavendum**: the three principal functions of the lawyer, viz.: to give legal advice, to conduct cases, and to take necessary precautions; cf. pro Mur. 9, 22: *vigilas tu de nocte ut tuis consultoribus respondeas, ille ut eo, quo intendit, mature cum exercitu perveniat; tu actionem instituis, ille aciem instruit; tu caves ne tui consultores, ille ne urbes aut castra capiantur.* — **Sex. Aelius**: see on 45, 198. — **M'. Manilius**: an eminent jurist, Cos. 149. — **P. Mucius Scaevola**: Cos. 133, a partisan of Ti. Gracchus, a great lawyer and juristic writer; see 56, 240; 57, 242.

49. ut . . . veniam: A. 317, c; G. 545, R. 3; H. 499, 2, note. —**leviora artium studia**: as in 2, 6, mediocrium artium; cf. Corn. Nep. Epam. 2: *atque haec* (music, philosophy, and learned pursuits in general) *ad nostram consuetudinem sunt levia et potius contemnenda, at in Graecia, utique olim, magnae laudi erant.* For the agreement of leviora with studia instead of artium (hypallage), cf. 3, 11: *harum artium liberalissimis studiis.*— **quaeratur**: a change of tense from quaereretur, but the difference between a vaguely conceived future and an unreal present condition is so slight that the least play of thought makes the forms interchangeable; A. 307, 2; 308; G. 598, 2; H. 509, 510.— **quo non amplius**: "the utmost"; lit., *than which not more is to be demanded of each.*—**unus**: placed with omnia for emphatic contrast; cf. 17, 76; 22, 99; and for the thought, 19, 85; 20, 93. —**descriptio**: *definition.*—**persequi**: "to follow out in practice," in distinction from tenere, to know theoretically.

213. **quoniam**: elliptical; "whom I mention since," etc.— **omnem omnium**: cf. 21, 94; 57, 245.—**atque . . . puto**: atque, et (as in 21, 97), and que, when they introduce a statement that corrects a preceding negative statement, should be translated *but;* M. 433, obs. 2.—**ad audiendum**: with the force of the supine in *u*; A. 300, 303, R.; G. 432, 436, N. 3; M. 412, obs. 3.—**communibus**: *customary.*—**lepore**: cf. 5, 17.

214. **facultatem**: *task*, as in 52, 226.—**ingeni sui finibus**: cf. 10, 44.—**describere**: *mark out, determine;* see on 8, 33.—**Nam et**: et looks forward to the discussion of the relations of oratory to philosophy, chap. 51, which is introduced, not by et but by neque vero.—**gubernacula**: the figure of a ship, as often; cf. 11, 46; pro Cest. 9, 20: *clavum tanti imperi tenere et gubernacula rei publicae tractare.*—**sententia sua**: see on 38, 172.—**per mihi mirum**: see on 47, 204: *satis . . . factum.*—**M. Aemilius Scaurus**: Cos. 115 and 107, Censor 109, and princeps senatus. In 91 he was accused among others in the Varian prosecutions; Asconius gives us his famous response: *innixus nobilissimis iuvenibus processit in forum, deinde accepto respondendi loco dixit: Q. Varius Hispanus M. Scaurum principem senatus socios in arma ait convocasse. M. Scaurus princeps senatus negat; testis nemo est; utri vos Quirites, convenit credere? Qua voce ita om-*

nium commutavit animos, ut ab ipso etiam tribuno dimitteretur. — **non longe**: *not far from here.* — **apud se esse**: *is at home.* — **si audierit**: the perf. subj. of a conditional clause whose action is completed before that of the conclusion (veniat) begins; A. 307, c; G. 596, 1; H. 509, note 1. — **auctoritatem gravitatis et consili sui**: *the authority which resulted from his personal character and his insight as a statesman.* — **iam**: *on the spot*, as in II. 82, 336: *Inciditur iam omnis deliberatio.* — **loquacitatem**: as it would seem to Scaurus. — **prudentia**: "wise practical management," "legal skill"; cf. 2, 8, and Cat. Mai. ix. 27: *quorum ad extremum spiritum est provecta prudentia.*

215. **consili publici auctor**: see on 211, and cf. 50, 216: *princeps consili publici.* — **ob eam ipsam causam**: i.e. on account of his rei publicae administrandae prudentia. — **illam scientiam**: viz., procurandae civitatis; illam points specifically to the knowledge before referred to. — **exornabant**: i.e. insignem reddebant; applying properly to orationem, but here by a kind of zeugma also to dignitatem; Intr. 9, 8.

50. 216. **non si . . . idcirco**: cf. 26, 118; 56, 237; II. 40, 170; so uniformly si (not etsi) precedes idcirco. — **idemque**: idem is used to introduce a new point about a person or thing already mentioned; A. 195, c; G. 310; H. 451. — **plurimos annos**: forty years, according to III. 34, 138: *quadraginta annis praefuit Athenis.* — **eiusdem hominis . . . existimanda est**: i.e. these two lines of skill (oratory and statesmanship) are not to be thought of as necessarily *one* because they happened to be united in Pericles. — **P. Crassus**: see 37, 170.

217. **is perficiet**: ut quisque being equivalent to quicumque may be followed by is, as in 28, 130; de Off. I. 5, 16: *Ut enim quisque maxime perspicit . . . is prudentissimus et sapientissimus rite haberi solet.* The incorrectness of the assumption is shown by the absurdity to which it leads. — **pila**: see on 16, 73. — **duodecim scriptis**: the game of the twelve lines, somewhat like our backgammon. The movement of the pieces depended upon the cast of dice. — **P. Mucius**: mentioned in 48, 212. — **nominant**: more frequently the passive is used in such connection; as in 3, 10; 45, 198; 59, 253; II. 26, 111; see, however, I. 3, 9. — **Empedocles**: of Agrigentum, 490–430 B.C., philosopher, orator,

statesman, and voluminous writer. We have only fragments, mainly of his most important work, *περὶ φύσεως*. — **propria**: *that which really is their own.* That they claim everything as their own, and yet do not include geometry and music, would seem to involve a contradiction; hence the suggestion to insert paene before omnia, as in 49, 212; but qui omnia volunt is a loose assertion which need cause no trouble.

218. **si iam placet**: *if it is however your pleasure;* cf. 58, 250; II. 6, 25: *si iam mihi disputandum sit;* III. 22, 84: *si iam me vultis esse oratorem.* — **sic dicere ut . . . sit boni oratoris**: see on 25, 115: *ut . . . possit.* — **nuda**: *bare;* **adspersa**: *seasoned.* — **distincta**: *decked out*, corresponding to nuda. — **neque** = neque tamen, as in 11, 50. — **possedisse**: from possīdo. — **libasse**: see on 34, 159. — **callidum**: *clever.* — **peregrinum atque hospitem**: sc. nulla in re. On the other hand, familiarity is expressed by words that denote dwelling; as habitare; cf. II. 38, 160: *illi autem . . . habitarunt in hac una ratione tractanda.* — **in agendo**: i.e. in causa agenda.

51. 219. **tragoediis**: "high-flown statements"; cf. 53, 228, where the word rather takes the sense of pathetic declamation. The disparagement in istis trag., as applied to Crassus, is softened by quibus uti philosophi maxime solent. — **eo maxime**: the ablative without in, as in de Off. I. 20, 66: *omnino fortis animus et magnus duabus rebus maxime cernitur.* — **cernatur**: the pres. instead of the imp. after audirent, because Antony is not merely stating the view of Crassus, but also expressing his own opinion. — **rerum omnium naturam**: a humorous exaggeration on Antony's part, perhaps to ridicule the claims of philosophers. The nature of the motus animorum, rather than the nature omnium rerum, would be what the orator requires with a view to kindling and quenching emotion (mentis inflammare aut restinguere). Besides, the concession of Crassus, 15, 68, would make this remark, if serious, seem far-fetched and uncandid. — **rationes**: *modes of thought, principles.* — **penitus perspexerit**: see on 5, 17: *penitus pernoscendi.* — **quoque**: belongs to the predicate. The connection is: ac videmus quoque in eo studio . . . esse contritas; cf. II. 11, 47: *de numero quoque est excerpendum;* and 20, 85: *si vir quoque*

bonus mihi videbitur esse. — **quorum ego**: for this bringing together of pronouns, see on 17, 76; Intr. 9, 10. — **cognitionis**: goes with copiam, artis with magnitudinem; cf. 25, 114: *oris.* — **hoc populo**: cf. II. 1, 4: *Antonius autem probabiliorem hoc populo orationem fore censebat suam, si omnino didicisse numquam putaretur;* and II. 36, 153. — **motibus**: for Cicero's use of the form, cf. de Deor. Nat. III. 11, 27: *naturae . . . omnia cientis et agitantis motibus et mutationibus suis;* and de Div. II. 45, 94: *in maxumis motibus*, etc. The Mss. here have moribus hominum, which Piderit retains on the ground that by de moribus a contrast is to be brought out with ab moribus, making a hit at the Stoics, whose views were at variance with the facts of life; "It is enough to know and to utter that about human character which is not at variance with human character." But the contrast, as Wilkins remarks, does not sound very Ciceronian.

220. **cum . . . vellet**: *at a time when he wished;* cf. 1, 1: *cum arbitrarer.* — **fervorne mentis**: i.e. with that strict attention to definition characteristic of the Stoics. We might expect animi for mentis; but mens is also used to denote the emotional nature. — **puniendi doloris**: *of avenging a hurt.* — **motus . . . miscere atque agitare**: *to rouse the passions and set them in ferment.* — **partim . . . partim**: i.e. the Stoics, the Peripatetics; cf. Acad. II. 44, 135: *Age, haec probabilia sane sint; num etiam illa, numquam timere, numquam dolere? sapiensne non timeat ne patria deleatur? non doleat si deleta sit? durum sed Zenoni necessarium, qui praeter honestum nihil est in bonis. Sed quaero quando ista fuerint ab Academia vetere decreta, ut animum sapientis commoveri et conturbari negarent? mediocritates illi probabant et in omni permotione naturalem volebant esse quendam modum.* — **facere**: depends upon dicunt, to be supplied from negant. — **veritatem**: see on 33, 149. — **ac potius**: *or more exactly.*

221. **mala ac molesta**: express one idea, to which fugienda answers as a consequence. — **ita**: limits the first member and looks forward to ut; *on the condition;* cf. II. 4, 16: *ita sum cupidus . . . ut;* Cat. Mai. 11, 38: *Ita enim senectus honesta est si,* etc. — **sapiens**: as in 18, 83, *a philosopher*, in the sense in which the Stoics used the word. — **illum**: as opposed to se, themselves,

as in 37, 170. — **Graeculum**: for the pedantry of the Greeks at this time, cf. 11, 47; II. 4, 17 f. — **oratoris** ... **ferant**: the two clauses stand in opposition; *doubtless* ... *yet*.

222. **ita peragrat**: *makes his way with such searching power;* elsewhere transitive. — **pertractat**: *works upon.* — **descriptiones**: *definitions*, as in 49, 212. — **summum illud bonum**: cf. Tusc. Disp. V. 30, 84: *Sunt autem haec de finibus, ut opinor, retentae defensaeque sententiae, primum simplices quattuor; nihil bonum nisi honestum, ut Stoici; nihil bonum nisi voluptatem, ut Epicurus; nihil bonum nisi vacuitatem doloris, ut Hieronymus; nihil bonum nisi naturae primis bonis aut omnibus aut maxumis frui, ut Carneades contra Stoicos disserebat. Haec igitur simplicia, illa mixta, tria genera bonorum, maxuma animi, secunda corporis, externa tertia, ut Peripatetici, nec multo Academici secus; voluptatem cum honestate Dinomachus et Callipho copulavit.* — **an haec**: introduces an alternative to the two preceding questions, an vero, an alternative to all of them. — **quibusdam**: viz., the Middle and New Academy; cf. III. 18, 67: *Arcesilas primum . . . hoc maxime adripuit, nihil esse certi, quod aut sensibus aut animo percipi possit.* — **nihil certum sciri**: especially with reference to the highest good; certum, adverbial; cf. 18, 84: *nihil plane.*

223. **callido**: *of practical insight;* cf. 23, 109.

52. venas: *the inmost character*, a figure derived from the human body. — **aget aut erit acturus**: *he is pleading or may have to plead;* aget is adjusted to the time of degustet, erit acturus is still future. — **degustet**: *taste*, as a critical examiner.

224. **ad huiusce . . . otium**: *to such a season of rest and leisure as we are now enjoying.* — **ne . . . mutuetur**: i.e. that he may know how little use he can make, in practice, of the theories of philosophers. — **haec**: i.e. quae sentiebat de iustitia et fide. — **exprimenda verbis**: ironical. So severely ideal are the theories of Plato about justice, etc., that to give them expression he must conceive an ideal state which exists only "on paper" (in libris); cf. 53, 230: *in illa commenticia Platonis civitate.* The reference is, of course, to Plato's Republic, a work in ten books, entitled πολιτεία ἢ περὶ δικαίου; cf. Cic. de Rep. II.

11, 21: *princeps ille, quo nemo in scribendo praestantior fuit, aream sibi sumpsit in qua civitatem exstrueret arbitratu suo, praeclaram illam quidem fortasse, sed a vita hominum abhorrentem et moribus.* Plato himself says of this state, de Rep. IX. 592 A.: τῇ ἐν λόγοις κειμένῃ (πόλει) ἐπεὶ γῆς γε οὐδαμοῦ εἶναι αὐτὴν οἶμαι ἀλλ' ἐν οὐρανοῖς. — **usque eo**: *to such a degree;* particles often used by Cicero in quasi exclamations, not adeo alone, which afterward became common, and only once usque adeo, Flacc. 23, 54.

225. **probarentur**: while the particular instance in the conclusion (concessisset) is in past time, the statement in the condition is a general one which holds good both for past and present; hence the imp. A. 308, a; G. 597, R. 1; H. 510, N. 1. — **ea**: viz., the methods of Plato. — **in populis atque in civitatibus**: *in real communities and in actual public life.* — **Eripite**, etc.: a passage from the speech of Crassus in behalf of the Servilian law in 106 B.C. The law proposed to transfer the jury courts from the knights back to the senate; Intr. 3, a. — **eorum**: viz., the iudices. — **nisi nostro sanguine**: to specify the utmost cruelty, which he implores them to avert. That Antony so understood the words is evident from what follows (ne iudicio iniquo, etc.). — **omitto**: paraleipsis. — **illi**: viz., the Stoics, according to whom the wise man could not come to any misfortune or wretchedness; cf. pro Mur. 29, 61: *Huius (Zenonis) sententiae sunt . . . solos sapientis esse, si distortissimi sint, formosos, si mendicissimi, divites, si servitutem serviant, reges; nos autem, qui sapientes non sumus, fugitivos, exsules, hostis, insanos denique esse dicunt.* Parad. II. 19: *ut improbo et stulto et inerti nemini bene esse potest, sic bonus vir et sapiens et fortis miser esse nemo potest.*

226. **Potestne**: = num potest, a rare use of ne to express surprise or doubt; cf. Tusc. Disp. I. 27, 67: *Ubi igitur aut qualis est ista mens? ubi tua aut qualis? potesne dicere?* M. 451, a. Note also the emphatic position. — **istis auctoribus**: *according to the principles of those men.* — **praecepta**: i.e. the knowledge of their rules. — **facultate**: cf. 49, 214. — **impunitam**: *unrestrained.* — **Quae vero addidisti**: *as to what you added, however.* — **quis hoc philosophus tam mollis**, etc.: compressed for quis philosophus tam mollis fuit ut hoc probare posset.

53. 227. **divinitus**: see on 7, 26. — **P. Rutilius Rufus**: eminent for his steadfast integrity, a disciple of the Stoic Panaetius, Cos. in 105, and accompanied Q. Mucius Scaevola, Pont. Max., as his legate to the province of Asia. He took such active measures to correct abuses, and especially to check the oppressive exactions of the publicani, that they brought the charge of repetundarum against him, and actually condemned him. He went into exile to Smyrna, where he remained till his death. For his character, and an account of his defense similar to that given below, see Brut. 30, 115. — **turpiter et flagitiose**: *basely and criminally.* — **Ser. Sulpicium Galbam**: see on 10, 40: Cicero makes him the starting point of a new era of eloquence, when speakers, instead of relying on the power of simple statement and proof, had recourse to methods of producing lively effects. — **esset locutus**: for which we should have expected dixisset; but cf. 11, 48: *copiose loqui.* The distinction is drawn in Or. 32, 113: *quamquam aliud videtur oratio esse, aliud disputatio, nec idem loqui esse quod dicere, ac tamen utrumque in disserendo est; disputandi ratio et loquendi dialecticorum sit, oratorum autem dicendi et orandi.* — **Originibus**: a treatise in seven books on the history of Rome from the origin of the city to his own time, of which only fragments remain. The speech here referred to was in the seventh book. For Cato, see on 37, 171.

228. **C. Sulpicius Gallus**: Cos. in 166, eminent for astronomical knowledge. He predicted an eclipse of the moon just before the battle of Pydna. — **recordatione et memoria**: hendiadys; *vivid recollection.* The latter denotes the mere recollection of something past, so far as it is produced by mens et cogitatio; recordatio rather the realization and taking to heart of the past cum animo et affectu; cf. Lael. 27, 104; Tac. Dial. de Or. 1: *ita non ingenio sed memoria et recordatione opus est.* — **in procinctu**: i.e. before the beginning of the battle. A verbal will made under such circumstances, in the presence of three or four witnesses, had the same validity as one made per aes et libram at home. — **tabulis**: i.e. without written inventory. — **illorum orbitate**: *these orphans;* see on 3, 10: *obscuritate.* — **tragoediis**: *tragic tricks.* — **ferebat**: *said,* sc. Rutilius. — **humilitati**: *meanness.*

229. **sensit et fecit**: it was his conviction and practical rule of conduct. — **supplex iudicibus esse**: see the passage from Tusc. Disp. I. 29, 71, cited in 231. — **sed ne . . . quidem**: sc. voluit. The feeling that voluit was here required is probably what has led to its insertion by many copyists in the first clause instead of noluit; but observe that a non modo clause (followed by ne quidem) cannot omit a second negative except when both clauses have a common predicate which stands in the second; see M. 461, b; and cf. 46, 203; ad Att. 1, 11: *non modo eam voluntatem eius, quae fuerat erga te, recuperare non potui, verum ne causam quidem elicere.* — **liberius**: *with more freedom* (to make digressions). — **ratio veritatis**: i.e. veritas. — **ferebat**: *allowed.* — **Q. Mucius Scaevola**: whose legate Rutilius had been in Asia, and who therefore was most competent to give a true account of his administration.

230. **importunitatem**: *shamelessness;* i.e. their insolent purpose to condemn an innocent man. — **amissus est**: for his absence (in Smyrna) was indeed a loss to the state. — **nihil cuiquam doluit**: *no one exhibited any grief.* — **supplosit**: an action resorted to by orators in beginning and closing their speeches, in contentionibus aut incipiendis aut finiendis, III. 59, 220; cf. Brut. 43, 158: *Paratus igitur veniebat Crassus, expectabatur, audiebatur, non multa iactatio corporis, non inclinatio vocis, nulla inambulatio, non crebra supplosio pedis; vehemens et interdum irata et plena iusti doloris oratio.* — **ne . . . renunciaretur**: *lest he should be denounced.*

54. 231. **homo Romanus et consularis**: as such he should least of all have imitated a Greek philosopher. — **ita . . . pro se ipse dixit**: as is seen in Plato's apology; cf. Tusc. Disp. I. 29, 71: *Socrates nec patronum quaesivit ad iudicium capitis, nec iudicibus supplex fuit, adhibuitque liberam contumaciam a magnitudine animi ductam, non a superbia.* — **aut**: "or more correctly"; cf. 2, 5. — **Lysias**: not himself an orator, but composed for others many forensic speeches, of which we have forty-four; cf. Brut. 9, 35: *Lysias ipse quidem in causis forensibus non versatus, sed egregie subtilis scriptor atque elegans, quem iam prope audeas oratorem perfectum dicere.* The correctness of this story, however, is doubted, and it is supposed with more probability that

the defense here referred to was an oration composed by him six years after the death of Socrates, as a rhetorical exercise. — **calceos Sicyonios**: soft, ornamental shoes used mainly by women. — **sic illam orationem**: a natural shifting to the oratio obliqua. — **ille quoque**: as well as Rutilius.

232. **reo damnato**: abl. abs. — **si fraus capitalis non esset**: i.e. a crime for which there was, according to the laws, a fixed penalty, either death or perpetual banishment; esset, the subj., as reporting the deliverance of the law-makers; A. 341; G. 563, 1; H. 528, 1. — **sententia cum iudicibus daretur**: i.e. when the case was referred to the judges for a sentence; the subj. of repetition in past time; see on 24, 112: *cum peterem.* — **quam . . . confiteretur**: in cases of this kind, the accuser having named a penalty (*ἐπάγειν τὸ τίμημα*) in his indictment, the condemned man was allowed to propose another (*ἀντιτιμᾶσθαι*). The judges chose between the two or made a compromise. — **commeruisse**: not elsewhere used by Cicero. — **respondit**: declining to name a penalty, he takes this method of asserting his innocence. — **ei**: (instead of sibi), shifts to the point of view of Antony, who is telling the story. — **Prytaneo**: where the fifty Πρυτάνεις, along with the other citizens distinguished for eminent service, and the embassadors of foreign states, dined at the public expense (publice). — **habetur**: merely explanatory; hence not haberetur; A. 336, 2, b; G. 655, R. 2; H. 524, 2.

233. **sic exarserunt**: Socrates had been barely condemned by the first vote, the judges standing 281 against and 275 for him. After this response, eighty of those who had favored him changed, and voted for his condemnation. — **quonam modo . . . possemus**: they already looked with contempt upon methods of persuading which were not derived from philosophy, and if their method had succeeded in the case of Socrates they would have been quite intolerable in their disparagement of eloquence. — **utrum**: i.e. philosophia or eloquentia. — **tantum dico**: *I only insist.* — **illud**: i.e. philosophy; hoc: i.e. oratory.

55. 234. **Nam**: see on 5, 18. — **tam vehementer amplexus es**: *you have so warmly embraced;* cf. pro Mur. 10, 23: ***Et quoniam mihi videris istam scientiam iuris tamquam filiolam osculari tuam, non patiar te diutius in tanto errore versari, ut istud nescio***

quid, quod tanto opere didicisti, praeclarum aliquid esse arbitrere. — **tum, cum dicebas, videbam**: a suggestion, perhaps playful, that Crassus has, during the delivery of his remarks, been over-deferential to Scaevola, and that his argument rested rather upon personal than upon essential grounds. — **te dedisti**: "wished to show yourself agreeable to." — **hortator et magister**: i.e. his father-in-law Scaevola. — **exaggerasses**: *had praised.*

235. **ne ista quidem**: emphatic, as standing against Quibuscum ego non pugno in 233. — **late patet**: *has a manifold application;* cf. de Off. I. 2, 4: *latissime patere videntur ea, quae de officiis tradita ab illis et praecepta sunt;* also 7, 20 and 24. — **praesunt**: cf. 45, 198; 41, 186; 10, 39. — **vide ne**: the exhortation disguises a mild assertion; cf. 13, 55; M. 372, b, obs. 1. — **suo quoque . . . denudes**: i.e. in so far as its own peculiar traits would then be concealed or distorted.

236. **esset, esse**: this bringing together of identical predicates is especially common with posse, and Cicero denotes by it, in inferences, the necessity of the deduction; in antitheses, the contrast; cf. Tusc. Disp. III. 9, 20: *Etenim, si sapiens in aegritudinem incidere posset, posset etiam in misericordiam, posset in invidentiam;* also 5, 11: *ut furor in sapientem cadere possit, non possit insania.* — **nunc vero**: the reality, in contrast with the case supposed in si ita diceres. — **leguleius**: *a pettifogger;* one familiar with the particular provisions of the edicts of praetors and of the statutes, without any mastery of the principles of jurisprudence; cf. Quint. XII. 3, 11: *alii se ad album* (i.e. praetorum edicta) *ac rubricas* (i.e. iurisconsultorum libros) *transtulerunt et formularii vel, ut Cicero ait, legulei quidam esse maluerunt.* — **praeco actionum**: as he makes known the particular indictment to be drawn up. — **cantor formularum**: as he can accurately rehearse the formal phrases in which the action must be brought. — **auceps syllabarum**: a quibbling interpreter who dwells on every syllable. — **ancillulam**: a diminutive of contempt; cf. 11, 46: *contiunculas.*

56. 237. **Quod**: *as to the fact that;* A. 333, a; G. 525, 2; H. 540, IV. note. — **impudentiam**: cf. 38, 172 ff. — **admiratus es**: *you were surprised at.* — **numquamque**: for the more usual neque umquam. — **coëmptio**: a form of marriage by purchase,

by which the woman, in the presence of five witnesses and a libripens, gave herself formally into the possession of the man. It is of course to be distinguished from the ancient religious form called confarreatio, and from usus, marriage by possession. — **si parvi**, etc.: referring to the argument and illustration of Crassus, 38, 174; Antony does not admit its soundness. Though the same knowledge may be required in steering a large ship as a small one, the ability to plead a cause may go along with ignorance of the mere formulae. — **herctum cieri oporteat**: *a summons should be issued for the division of an estate.* — **herciscundae . . . agere**: *to conduct the legal proceedings in the division of an estate.*

238. **Nam**: as in 55, 234, and with reference to the second point in 237, aut ea quae maxima essent, etc. — **centumviralis causas**: see on 38, 173. — **M' Curi**: see 39, 180 ff. — **Hostili**: see 40, 181. — **puero**: see 40, 183.

239. **fuerit discessurus**: in an independent clause the form would have been discessisset; A. 308, d; G. 597, 5, (a); R. 1521. — **artificio**: *knowledge.* — **P. Crassus**: see 37, 170. — **Ser. Galba**: see 53, 227. — **adsectaretur**: *was accompanying;* i.e. to assist him in his canvass; cf. 24, 112. — **qui cum**: for quem, cum; see on 46, 202: *cuius.* — **ad suam rem accommodatam**: *favorable to his interest.* — **nomine**: which he had doubtless learned from the nomenclator of Crassus; cf. Hor. Ep. I. 6, 50: *Mercemur servum qui dictet nomina;* Cic. pro Mur. 36, 77: *Quid, quod habes nomenclatorem? in eo quidem fallis et decipis. Nam si nomine appellari abs te civis tuos honestum est, turpe est eos notiores esse servo tuo quam tibi.* — **suspenso animo et occupato**: *with mind distracted and full of other matters.*

240. **fidenter**: *confidently;* justified by peritissimus, "profoundly versed in the law." — **adludens varie et copiose**: *with various playful and witty remarks.* — **similitudines**: *analogous cases.* — **illum . . . confugisse**: a natural transition to indirect discourse after the historical infinitives; cf. 54, 231. — **P. Mucius, Sex. Aelius**: see 48, 212. — **probabilem**: *plausible.*

57. 241. **Et enim**: for attamen of the Mss., for which see 32, 148. ac tamen also is not to be admitted here, according to Sorof, on the ground that no opposition to what precedes is

expressed, but rather a second reason for the view that the orator can do without the knowledge of the law, since in doubtful cases the scale is turned by eloquence rather than by legal knowledge. — **agnascendo rumpi**: technical terms, the first denoting the case where a son has been born or adopted after the making of the father's will; the second expressing the invalidity of the will as the result of such birth or adoption. — **hanc partem iuris**: i.e. in qua nihil ambiguitatis est. — **sine controversiis**: attributive, like "undisputed," "uncontested," and goes with iuris; cf. III. 24, 93: *facilis est vel ratio vel sine ratione ipsa exercitatio;* III. 52, 199: *tenuis* (*oratio*), *non sine nervis ac viribus;* also 23, 105: *sine usu;* 31, 138: *sine designatione.* — **quae pars**: see on 38, 174: *quibus in tabellis.*

242. **amentatas**: *ready for hurling;* i.e. supplied with the amentum, and here meaning arguments borrowed from the civil law; cf. Brut. 78, 271: *Hermagorae praeceptis . . . ut hastae velitibus amentatae, sic apta quaedam et parata singulis causarum generibus argumenta traduntur;* Tusc. Disp. III. 26, 63: *quae verba contorquet!* — **nisi vero**: to introduce an exception ironically; A. 315, b; G. 591, 4; H. 507, III. 3, N. 1. — **huius optimi viri**: Q. Mucius Scaevola, the father-in-law of Crassus, and there present; while Scaevolae is P. Muc. Scaev. mentioned in 36, 166; 48, 212; 50, 217; 56, 240. — **dixerim**: A. 311, b; G. 257; H. 486. — **non adripuisti**: *and did not rather take up;* the asyndeton brings out the alternative more prominently, as in 9, 37; 14, 62. — **defensionem testamentorum**: more nearly defined by the added voluntatis mortuorum. It was in defending the wishes of the dead rather than the letter of the will that the knowledge of written law could be dispensed with.

243. **frequens . . . audivi atque adfui**: *for I have often been present and heard you;* see Intr. 9, 1, r; **frequens**: A. 191; G. 325, 6; H. 443. — **sententiarum**: sc. iudicum. — **sale**: cf. 34, 159; **lepore**: 5, 17. — **iudicium**: *trial.* — **coniuncta**: see on 5, 17.

244. **ille Mucius**: mentioned just before in 243. The force of ille is to be found in its reference to ingenium Scaevolae, "that famous Mucius himself"; cf. 25, 117; 29, 132. It may well be that the name Mucius is here used with reference to the well-

known eminence of that gens in legal learning. — **nempe**: ironically.

245. **illa militis causa**: 38, 175. — **Hostilianas actiones**: a collection of law forms, apparently with reference to wills, by a jurist Hostilius, otherwise unknown. — **tu vero**: corrective; "nay, rather, you would plead the cause with earnestness and feeling, as though the validity of all wills were at stake in this trial." — **ut soles**: with reference, doubtless, to Cicero's own practice of producing powerful effects by personification. — **a mortuis excitasses**: i.e. to be a present witness. In the use of the plup. subj. Antony turns from the general supposition of the preceding passage to the particular instance in past time. For the thought, cf. Top. 10, 45: *in hoc genere oratoribus et philosophis concessum est, ut muta etiam loquantur, ut mortui ab inferis excitentur;* Or. 25, 85: *non faciet (ille tenuis orator) rem publ. loquentem, nec ab inferis mortuos excitabat.* — **coegisses**: as the climax produced in favor of the son. — **uti lingua nuncupassit**: in fuller form, uti lingua nuncupassit, ita ius esto. For the form nuncupassit, see M. 115 f. The mere text of the law would appear unimportant under the powerful oratory of Crassus, and like a schoolboy's formula; cf. de Leg. II. 23, 59: *discebamus enim pueri XII (tabulas) ut carmen necessarium quas iam nemo discit.* — **anteponis**: in 44, 195.

58. 246. **Nam**: see on 16, 71. — **primum**: looking forward to deinde, and tum autem. The points, that the art is easy to learn and full of pleasure, are followed by their own refutation, as it were parenthetically. — **ediscant**: A. 320, e; G. 633; H. 503. — **viderint . . . videris**: a formula of disavowal, throwing the burden of proof or explanation on others; cf. II. 58, 235: *viderit Democritus.* — **eius artis**: i.e. because of their knowledge of this art. — **quasi . . . ita**: *just as though.* — **facilem esse dicis**: see 41, 185. — **esse illam artem futuram**: dependent upon dicis, to be supplied from concedis; deinde quod sit, etc.: answers to primum facillimam, but takes the form of a second reason why that branch of knowledge should be pursued, as though some such statement as artem istam ediscendam censes had introduced the whole. — **in quo**: i.e. in qua re: *in respect to which.* — **si iam sit**, etc.: *if they should have to learn*

something. — **M. Pacuvius**: born 219 at Brundusium, died 130 at Tarentum, nephew of Ennius and friend of Laelius. The Teucer is an imitation of the Τεῦκρος of Sophocles. — **Manilianas leges**: probably forms used in buying and selling. — **venalium**: *merchandise.*

247. **amore patriae**: cf. 10, 40: *tuo studio.* — **inventa**: i.e. all intellectual productions. — **non vides**: non for nonne gives a familiar tone and expresses impatience or surprise. — **ipsas**: i.e. without any external occasion. — **vetustate**: *through length of time.* — **si modo**: restrictive, *if at all.* — **ratione**: *by any method.* — **metu**: is the result of "threats" and "force"; hence ac, to throw it out of co-ordination; see Intr. 9, 1, l. — **quam sit bellum**: ironical.

248. **in iure**: *in court* (of the praetor); cf. 10, 41, 42. — **artificem**: *an expert;* as in 12, 51. — **generis**: *department;* cf. 22, 104. — **hebetem, rudem**: often joined, as denoting, the first, *dull,* wanting natural ability; the second, *rough,* wanting culture; see Intr. 9, 1, t; cf. de Div. II. 50, 103: *Epicurum . . . hebetem et rudem dicere solent Stoici.*

249. **licet**: on account of many engagements. — **obire**: *go over,* with reference to 38, 173: *iudicia privata magnarum rerum obire,* where the word is used in the same sense. — **procuratori**: *manager.* — **vilico**: *steward;* subordinate to the procurator, hence imperandum, while mandandum suits the other. — **Magonis**: Mago lived 550–500 B.C., wrote a great work (28 vols.) on agriculture; after the destruction of Carthage it was translated into Latin by order of the Senate, and held in high esteem by the Romans. — **conteramur**: cf. 21, 94. — **dumtaxat**: *at least.* — **peregrini atque advenae**: cf. 50, 218: *peregrinum atque hospitem.*

250. **communicare**: cf. 15, 66. — **ipsi omnia**, etc.: *the persons themselves whose concern it is, bring every matter to us thoroughly considered and investigated.* — **de re ipsa**: *on a question of fact;* opposed to leges, further on. — **in rem praesentem venimus**: the expression is at times to be understood literally of the actual inspection of a disputed property, as in pro Caec. 7, 20: *placuit Caecinae de amicorum sententia constituere, quo die in rem praesentem veniretur et de fundo Caecina moribus deduceretur;* at times in a figurative sense of a legal process in court involving a

contest about boundaries, as here and in de Off. I. 10, 32: *Si constitueris cuiquam te advocatum in rem praesentem esse venturum.* — **tabulis**: *accounts.* — **perscriptionibus**: *assignments.*

59. negare: the negation belongs to prodesse.

251. **opus**: predicate; A. 243, e, R.; G. 406; H. 414, IV, note 4, 2. — **suaserit**: A. 311, a; G. 257; H. 485. — **elaborare**: the inf. with suadere is very rare in prose, but cf. de Fin. II. 29, 95: *mori suadeas;* ad Her. III. 5, 8: *rationem sequi qui suadebit.* — **me auctore**: see on 12, 54. — **Graecorum**: for this training of the voice was begun by them, and practiced in imitation of them by the Roman actors. — **serviet**: cf. III. 60, 224: *illud iam nihil ad hoc praecipiendi genus, quem ad modum voci serviatur; equidem tamen magno opere censeo serviendum.* — **sedentes declamitant**: a co-ordinate clause incorporated as a part.; *sit and declaim;* A. 292; G. 664, R. 1; H. 549, 5. — **pronuntient**: see on 15, 66: *pronuntiabit.* — **recipiunt**: *let fall,* the opposite of excitant. — **ante . . . quam . . . recitarimus**: *before we have recited the pæan or the rhythmic formula as often as it is prescribed.*

252. **una**: see on 8, 30. — **eloquentiam**: abstract for the concrete. — **sustinet**: *supports.* — **tantum**: see on 4, 14. — **quantum . . . spati**: for the separation, cf. 47, 207: *id . . . oneris;* 1, 3: *quantum . . . oti.* — **acie**: like our "battle of life"; cf. 34, 157. — **quod et summatim . . . dissimilitudinem**: *which can both be acquired in its main points without regular instruction and is unlike those requirements in this respect.* — **utilitas**: i.e. quod utile est; cf. 9, 36. — **quamvis repente**: *as suddenly as you please.*

253. **illi**: i.e. the Greeks, opposed to nostri below. — **ministros**: cf. 45, 198. — **cum ipsi sint imperitissimi**: seems to refer back to quanto minus . . . descendendum, and incidentally furnishes an example confirming the conclusion there involved. — **ei qui**: i.e. ministri iuris periti; instead of the usual eos qui; the pron. is attracted by the following rel. The same attraction occurs in the passage here cited, 45, 198. — **tecta**: i.e. secured from erroneous interpretation. — **melius multo**: sc. fecerunt; praise and censure are often thus briefly expressed by an adverb; cf. de Deor. Nat. I. 36, 101: *quanto melius haec vulgus imperitorum, qui non membra solum hominis deo tribuant,*

sed usum etiam membrorum. — **sed tamen non fugisset**: *but* (although our men have done much better than they) *yet this* (i.e. the legal instruction of the orator) *would not have escaped the notice of the Greeks;* i.e. they would not have neglected it.

60. 254. **quod dicis**: *as to your assertion.* — **fortasse etiam**: sc. vindicatur. — **quamquam**: *and yet.* — **ad similitudinem**: i.e. with a view to comparison; cf. 28, 130. — **accederet**: the imp. subj. depending upon solet dicere = saepe dixit. — **tibicinis**: who accompanied the actor in the cantica. — **modos**: *measures.* — **moderatione**: *regular arrangement.* — **nos**: i.e. oratores.

255. **id quod haud**, etc.: *that which you have perhaps been the first to exhibit to us,* haud sciam an being equal to a very mild assertion. — **qui iam diu**, etc.: as was the case with Cicero himself, cf. de Leg. I. 4, 11, where Atticus says to him, *te ipse mutasti et aliud dicendi instituisti genus; ut, quem ad modum Roscius, familiaris tuus, in senectute numeros in cantu reciderat, ipsasque tardiores fecerat tibias, sic tu a contentionibus quibus summis uti solebas cotidie relaxes aliquid, ut iam oratio tua non multum a philosophorum lenitate absit.* — **haec**: *your present;* **illa**: *your former.* — **gravissimi**: *most impressive.* — **sermonis . . . contentio**: cf. III. 45, 177, where sermo and contentio are again contrasted; *non enim sunt alia sermonis, alia contentionis verba.* — **paulo**: *only a little;* cf. 21, 95. — **Ser. Galba**: see 53, 227. — **ponendum**: i.e. positum existimandum.

256. **antiquitatis memoriam**: cf. 46, 201; Brut. 59, 214: *Nullum ille poetam moverat nullum legerat oratorem, nullam memoriam antiquitatis collegerat.* — **Congo**: mentioned in pro Planc. 24, 58, as eminent for his knowledge of antiquity. — **modo**: in 34, 158. — **recto studio**: cf. 22, 99; here defined by humanitate. — **persequi**: see on 49, 212. — **praecepta**: in 33, 149 ff. — **huic aetati**: viz., *iuventuti.*

257. **subitae**: *extempore;* cf. 33, 150. — **meditatae**: in passive sense; A. 135, b; G. 163; H. 231, 2. — **dixisti**: in 33, 150.

61. 258. **Roscium**: cf. 28, 130. — **adhaerescere**: sc. memoriae; fastidiis is abl. of cause, and plur. to suggest a great number of instances. — **fastidiose**: *critically,* as in 26, 118. **What**

follows (259) shows that the voice, and not the expression of thought, is here in mind; so there is no real inconsistency between this passage and 27, 124.

259. **Aesopum**: a friend of Cicero's and often mentioned by him; as eminent in tragedy as Roscius was in comedy. — **A quibus . . . offenditur**: *offense is taken against those from whom*, etc. — **imminuitur de voluptate**: i.e. imminuendo detrahitur de voluptate.

260. **descripsit**: in 31, 137 ff. — **noctis et dies**: so in Brut. 90, 308, and Tusc. Disp. V. 39, 113; et noctes et dies, Tusc. Disp. V. 25, 70; noctis diesque, in Verr. Act. I. 17, 52; in Verr. Act. II. V. 43, 112; noctisque diesque, de Fin. I. 16, 51; dies et noctis, de Or. III. 23, 87; diem noctemque, II. 39, 162; dies noctisque, pro Deiot. 13, 38. — **in quo**: see on 17, 79: *in nobis*. — **primum**: belongs more correctly after cumque, since deinde introduces a second natural defect. — **balbus**: *stammering;* his main difficulty being with the letter *r*. — **perfecit**: cf. de Div. II. 46, 96: *Demosthenem scribit Phalerius, cum ρ- dicere nequiret, exercitatione fecisse ut planissume diceret.*

261. **continuatione verborum**: *period*. — **eius scripta**: Antony had read Demosthenes; cf. II. 14, 61. — **contentiones et remissiones vocis**: *raisings and lowerings of the voice*. — **qui etiam**: continues the relative construction in quo tantum studium, etc., marking a still more notable result of his application. — **neque is**: with the force of atque is in an affirmative sentence, to add a trait emphatically. — **in loco**: i.e. in whatever place he happened to be. — **ascensu**: *an ascent*.

62. 263. **Operarium**: with reference to in hoc uno opere, etc., 260; cf. 18, 83. — **ad refellendam**: depends on mirifica; cf. 4, 15: *ad gratiam*, etc.; 28, 129: *ad diuturnitatem . . . stabile.* — **eorum**: viz., those of the New Academy; 18, 84.

264. **a me informari oportere**: *that I ought to delineate*. — **habitaret in subselliis**: cf. 38, 173: *haerere in iure;* Brut. 89, 305: *habitant in rostris;* pro Mur. 9, 21: *in foro habitant;* de Or. II. 38, 160: *illi . . . habitarunt in hac una ratione tractanda.* — **videbam**: *I had in view*. — **circumdedisti**: for which circumscripsisti is also used; cf. 16, 70. — **secundum hunc diem**: *not till to-morrow*, Wilkins.

265. **quoniam in Tusculanum ire constituit**: cf. ad Att. IV. 16, 3: *multo ego magis hoc mihi cavendum putavi* (*i.e. ne hominem id aetatis in tam longo sermone diutius retinerem*) *in Scaevola, qui et aetate et valetudine erat ea, qua eum esse meministi; et eis honoribus, ut vix satis decorum videretur eum pluris dies esse in Crassi Tusculano.* The departure of Scaevola also gives suitable occasion for the introduction of C. Iulius Caesar Strabo, who takes part in the second day's conversation. — **constituissem me venturum L. Aelio**: cf. 58, 250: *in rem praesentem*, and the passages there cited. Aelius, mentioned in 43, 193. — **quam iucundus**: Scaevola keeps up his characteristic good nature (cf. 9, 35) to the last, and closes with a retort upon Antony in which wit and compliment are gracefully combined.

CRITICAL APPENDIX.

When particular Mss. are referred to, use has been made of the notation of Dr. Sorof; viz., e to denote the codex Erlangensis, h the codex Harleianus, and γ the codex at Wolfenbüttel. Other abbreviations are used as follows: K = Kayser; El = Ellendt; P = Piderit; A = Adler (Piderit, fifth edition); H = Harnecker (Piderit, sixth edition); S = Sorof (S^1 and S^2 when editions differ); W = Wilkins (W^1 and W^2 when editions differ); St = Stangl; Fr = Friedrich.

2, 5. *vix sunt hac aetate digna et hoc usu*, SW; *vix hac aetate digna sunt et hoc usu*, PAH; *vix hac* aetate digna et hoc usu*, K; *vix hac aetate et hoc usu sunt*, St. *Sunt*, wanting in Mss., in the abbreviated form (s̄) may easily have fallen out.

2, 6. *in summos*, PSAWSt; [*in*] *summos*, K, following e h, although an erasure before *summos* suggests that it originally stood there.

2, 7. *scientiam*, Mss., for which K substitutes *excellentiam*. That *scientiam* is the correct reading seems evident from 48, 210 ff.

2, 8. *ne qui*, SW^2HSt, e h and some other Mss.; *ne quis*, $KPAW^1$; see note.

versentur, $PAWS^2$St, e h (cf. 3, 11, *sint . . . versati*); *versantur*, KS^1, γ.

3, 9. *scientiae pervestigatione*, Mss., KASWHSt; *scientia et pervestigatione*, Schütz, followed by P.

3, 11. *liberalissimis studiis*, KSWSt, e and other Mss.; *studiis liberalissimis*, PAH.

Atque, Mss.; so KSW^2HSt; *Atqui*, PAW^1. K brackets *in* before *hoc ipso numero* and *quam poetae*. HW^2 follow Stangl in inserting *et oratorum* between *poetarum* and *egregiorum;* but the passage is best explained by supposing a very natural anacoluthon; see note on this and the following *multo tamen*.

3, 12. *reconditis atque abditis e fontibus*, W^2HSt; *e reconditis atque*, etc., SW^1; *reconditis atque abditis fontibus*, KPA, Mss.

4, 13. *ac praemiis*, PA; *aut praemiis*, KSWHSt, Mss. *ac* preserves a very common form of libration. Intr. 9, 1, e, 1.

Atque ut omittam, Mss., SWHSt; *Namque ut omittam*, PA; [*atque*] *ut omittam*, K.

4, 14. *ullam vim*, StS²W², Mss.; *ullam viam*, PAS¹W¹H; see note.

discendi studio, AS²W²HSt; *dicendi studio*, Mss., KPS¹W¹; see note.

5, 18. *cogitatisque*, Mss., PASWHSt; *conlocatisque*, K.

5, 19. *neque eis*, Mss., PASW²HSt; *neque eis se*, KW¹.

se id, PASHW²St; bracketed by KW¹.

5, 20. *quae nisi est ab oratore res percepta et cognita*, SA; *quae nisi sit* (or *sint*) *ab oratore perfecta et cognita*, Mss.; *quae nisi sint ab oratore percepta et cognita*, W¹; *quae nisi res est*, etc., W²HSt; *cui nisi subest res ab*, etc., P with Aldus, seems to have been derived from 12, 50. K brackets the whole from *quae nisi* to *puerilem*.

6, 21. *videtur*, ASWHSt, e h and other Mss.; *videatur*, KP, the latter having probably arisen from a corrupt reading — *quamvis* instead of *quamquam vis* — at the beginning of the sentence.

6, 23. *non quo*, SWSt, e h and other Mss.; *non quod*, KPA.

7, 25. *qui tum tribunatum*, PASW¹; *qui* [*tum*] *tribunatum*, KW²St.

7, 27. *iocando*, for *loquendo* of the Mss., which, however, finds a defender in Langen, and is now adopted by St. *et tantus lepos* seems to be added as a closer definition of *eaque esset in homine iucunditas;* hence the need of a word more nearly corresponding to *incunditas* than the neutral *loquendo*.

7, 28. *et in ambulationem ventum esset* [*dicebat*], *tum*, SWSt; *et in . . . esset* [*dicebat tum*], K; *in amb. ventum esse dicebat; tum*, PAH; *et in amb. vent. es. dicebat tum*, e h and other Mss.

7, 29. *consedisse dicebat;* K and St bracket *dicebat*.

8, 32. *provocare improbos*, PASW¹HSt; . . . *integros*, K; . . . *integer*, W². The reading of the better Mss. — *integros* — has not been satisfactorily explained; see note.

9, 38. *eloquentia*, bracketed by K.

10, 42. *ceterique sua in iure physici vindicarent*, KSW¹; the best Mss., *cet. in suo ph. vind.; ceterique in iure vindicarent physici*, PA; *ceterique in iure sua physici vindicarent*, HW²St.

ornati homines in dicendo et graves, bracketed by W², after Fr.

11, 45. *ut ferebatur*, SW², according to the better Mss.; *ut ferebant*, KPAW¹HSt.

11, 47. *eloquentissimo*, bracketed by K.

in hoc maxime, SW²HSt, e h; *hoc maxime*, KPAW¹, γ and other Mss.

[*in*] *oratoribus*, KSWSt; without brackets, PAH; *oratoribus*, e h.

11, 48. *aut in iudiciis*, SWSt, Mss.; *et in iud.*, KPAH.

morum, PASHWSt, e γ; *moris*, K.

percepta sunt, ASWHSt, e h γ; *percepta sint*, KP.

11, 49. *ab civilibus*, S²StW²H, e; *a civilibus*, PAS¹W¹, Vulg.

eloquentes, as in Mss. and all eds. except K, who has *intelligentes;* see note.

sint eae res, KSWSt, as in e h and other Mss.; *sint hae res*, PAH.

12, 53. *Quae, nisi qui,* — *Qua re, nisi qui*, K; see note.

13, 55. *isti quae*, PASW²HSt, Mss.; *ipsi quae*, KW¹.

13, 56. *de communi* [*civium, de*] *hominum* [*de gentium*] *iure*, SW¹; *de* [*communi*] *civium* [*de hominum*] *de gentium iure*, K; *de communi gentium iure*, PAH; *de communi civium, de hominum, de gentium iure*, W²St, most Mss. See note.

propria, bracketed by K.

13, 57. *de his rebus* — *de his rebus omnibus*, KW¹.

iucunditate et gravitate, KSWSt, e h et al.; *gravitate et iucunditate*, PAH.

[*tum*], KSWSt, e h γ et al.; without brackets, PAH.

nunc aedilis curulis est et, bracketed by KW¹St (W² omits *et*).

13, 58. *de legibus de conventis;* see note.

13, 59. *Numquam enim*, PASWHSt, e h et al.; *nec enim*, K.

quasdam partis, KSWSt, e h et al.; *quasdam artes*, PAH.

atque adsumendum, PASH; *atque sumendum*, St, Mss.; [*atque sumendum*], K.

14, 62. *quam oratoris*, PASHW²St; [*quam oratoris*], W¹, Mss.

[*tum eloquentia vincebat ceteros medicos*], SW¹HSt; *tum cum eloquentia*, etc., W², e h γ; *cum eloquentia*, etc., KA, most other Mss.; *qui tum eloquentia*, etc., P.

15, 65. *atque usu forensi*, SH, e h γ et al.; *atque in usu*, etc., KPA; *atque* [*in*] *usu*, etc., WSt; see note.

in quaque re, PASW²HSt, e h γ et al.; *in una quaque re*, K.

15, 66. *teque*, PASW¹; *te*, HW²St, Mss.; *atque*, K.

16, 71. *Nam quod illud*, ASWH; *nam illud quare*, KP; *nam quod illud* [*qua re*], St.; *namque illud quare*, Mss.

16, 72. *volebat*, Mss.; P has *volebam*.

17, 75. *philosophiam atque;* see note.

18, 81. *et palaestrae*, SWSt, e γ; *sed palaestrae*, KPAH.

18, 82. *cum hoc nescio*, SAWHSt, e γ et al.; *cumque hoc nescio*, KP.

de ratione — *ratione*, K.

19, 85. *Athenienses*, bracketed by K.

promptus atque omni abundans doctrina, SAWHSt; *promp. at. abundanti doc.*, KP; Mss. *promp. ab homine abundanti doc.*

20, 90. *blandiri eis subtiliter, a quibus*, SWSt; *blandiri suppliciter et subtiliter insinuare eis a. q.*, KPAH; *blandiri et subtiliter quibus*, e h γ et al.

et, quod contra, SW, e γ; [*et id*] *quod contra*, KH; *et* [*id*] *quod contra*, St; without brackets, PA.

ad extremum, SWSt, e h γ; *et ad extremum*, KPAH.

20, 92. *qui omnia ea*, KSWSt, most Mss.; *qui ea omnia*, PAH.

21, 94. *cognosse me*, KSWSt, e h γ et al.; *me cognosse*, PAH.

21, 96. *Insperanti, inquit mihi*, KSWHSt, e h γ et al.; *Insperanti mihi inquit*, PA.

satis iucundum, KSWSt, e h γ; *iucundum satis*, PAH.

21, 97. *de vi ac ratione*, PSAWHSt, Mss.; *de via ac ratione*, K.

22, 99. *quod tuo studio*, SW²St, e h et al.; *quo tuo studio*, KPAW¹H.

inscitia, PASWHSt, most Mss.; *inscientia*, K, e γ; see note.

22, 102. *hoc ex te*, KSWHSt; *hoc primum ex te*, PA.

mihi vos nunc, KSWSt, e et al.; *mihi nunc vos*, PAH.

ex magna, SW²HSt, e h γ et al.; *magna*, KPAW¹.

22, 104. *adulescentem*, KASHSt, e h et al.; *adulescentem iam*, P; *iam* bracketed, W.

23, 109. *verbis definita*, KSWSt, e h γ et al.; *verbis designata*, PAH.

24, 111. *non ipse a me aliquid*, KSWSt, e γ; *non ipse aliquid a me*, PAH.

24, 112. *hunc autem esse unum hominem*, PASWHSt, e h γ et al.; *hunc autem* [*semper iudicavi*] *hominem esse unum*, K.

25, 114. *si quis est*, KASHWSt, Mss.; *si qui est*, P.

res se habet . . . possunt, KSW¹; *res se habeat . . . possint*,

PAW²H; *res se habeat . . . possunt*, St.; *habeat*, e h γ; *possunt*, e; *possunt*, γ.

quid de illis dicam, KSWSt, e et al.; *quid de illis dicet*, PAH.

25, 117. *quamcumque habuit*, PASWHSt, Mss.; *qu. habet*, K; see note.

26, 121. *exalbescam*, PASH; *et exalbescam*, KWSt, e.

26, 122. *inter sese*, SW²HSt, e h γ et al.; *inter se*, KPAW¹.

non modo non . . . sed etiam, PASWHSt; *non . . . sed*, K.

27, 123. *ut in quoque*, PASWHSt; *in quoque*, K.

ne tum accideret, SSt, after Vulg.; *ne tum ipsum ac.*, KPAW¹; *ipsum*, bracketed, H; *ne illo ipso tempore ac.*, W².

28, 126. *a natura nisi haberet*, SW²HSt, Mss.; *nisi haberet a natura*, KPAW¹.

28, 127. *percipiendis*, bracketed by ElK.

28, 128. *omnia summa sunt in oratore*, SHSt; *omnia sunt in oratore summa*, KPAW, e.

probari non potest, KASW¹HSt; *pr. n. possunt*, PW², Mss.

30, 134. *nihil quisquam egregium*, ASWHSt; *nihil quicquam egr.*, KP, Mss.

30, 135. *rationem consuetudinis meae*, KASWHSt, Mss.; *rationem, sed consuetudinem meam*, P. See note.

31, 141. *quae omnes*, KASWHSt; *qui omnes*, P, Mss.

32, 146. *conlegisse*, ASWHSt; *id egisse**, K; *digessisse*, P. *id egisse* of the Mss. may have come from a contraction of *conlegisse* (*c̄ legisse*); see note.

33, 150. *optimus*, PAWH, Mss.; *optimus est*, S; *optimus habetur*, K; *stilus est, stilus optimus et*, St.

33, 152. *nisi diu*, KPAS²HW², best Mss.; *nisi qui diu*, S¹W¹; *nisi [qui] diu*, St.

34, 157. *visus hominum*, KSWSt; *usus omnium*, PA, Mss.; † *usus omnium*, H, who suggests *subeundum risum periculum et periclitandae.*

35, 161. *sic modo — sic [modo]*, K; *sic*, e γ.

35, 162. *si esses*, KSWSt, e et al.; *si esset*, PAH, h.

35, 164. *mea quoque te iam*, AS²WHSt; *mea quoque etiam*, P, Mss.; *mea quoque iam*, KS¹.

36, 165. *ita teneo uti ii*, KSWSt; *teneo uti ei*, PAH.

36, 166. *civile ius tuum*, KSW¹HSt; *tuum ius civile*, PAW².

36, 167. *quod erat*, KSWSt, γ et al.; *quod esset*, PAH.

37, 170. *illum Divitem*, bracketed by K and W².

cum multis aliis . . . tum praecipue, ASWHSt (γ et al. have *cum*); *et multis aliis . . . et praecipue*, KP, Vulg.

illi arti, SHSt; bracketed by KPAW; see note.

37, 171. *ius civile*, bracketed by K.

38, 172. *posse se . . . tueri*, — *posse . . . causas tueri*, K, e.

38, 173. *ruptorum aut ratorum* (Mss.), bracketed by KPAW¹.

38, 174. *causam maiorem* — *causam* [*maiorem*], KW¹.

38, 175. *eius patroni*, KSWHSt, best Mss.; *illius patroni*, PA.

testamento exheres filius? Nempe in ea causa quaesitum est de iure civili, — [*testamento exheres filius*], [*nempe in ea causa*] *quaesitumque est* [*de iure civili*], K.

39, 176. *dicerent redisse*, KASWHSt, most Mss.; *redisse dicerent*, P.

et gentilitatis, Mss.; — *ac gentilitatis*, P.

39, 179. *simili in re quodam modo*, KSSt, e h; *Simili* [*in re*] *quodam modo*, W; *simili quodam modo*, PH; A suggests *simili in re quadam nuper*.

39, 180. *eum hac tum*, KASWHSt; *hac eum tum*, P.

esset heres, PASWHSt; *heres esset*, K.

40, 182. *quam de ordine . . . consularis*, bracketed by K, who also assumes *de ordinanda civitate* as the more probable reading.

inferiore ordine, bracketed by K.

40, 184. *atque voltu*, the better Mss., S²HW²St; *ac voltu*, KPS¹ AW¹.

41, 185. *segnitatem*, PASWHSt; *segnitiem*, K.

41, 186. *habet illam*, PASHSt, Mss.; *habeat illam*, KW.

42, 187. *disiecta; ignota* of the Mss. is retained by PK, but without removing the difficulty which arises by bringing it in connection with *videbantur*. S suggests *disiecta*, on the ground that the whole connection answering to the preceding *dispersa et dissipata* requires a synonym with *diffusa;* and that having lost the prefix *dis-*, *iecta*, of which the copyist could make nothing, might easily be changed to *ignota*. St reads *incondita;* A *diiuncta*, retained by H, who suggests, however, that the passage may require further change, as, *ignota quodam modo omnibus videbantur et late diffusa vagabantur.*

42, 191. *cogantur*, KSW, after Ernesti; *coguntur*, PAHSt, Mss. Crassus has a digest of the civil law in contemplation, but it is not said that he has actually undertaken the work.

43, 192. *omnia sunt enim posita*, KPSW²St, e; *omnia enim sunt p.*, AW¹H, h.

elata sunt, KASWHSt; *sunt elata*, P.

43, 193. *vetustas prisca*, KASWHSt; *prisca vetustas*, P.

sive quis civilem scientiam consectatur, SSt, following a conjecture of Wyttenbach; *sive quis civilem scientiam* *, K; *sive quem civilis scientia* (sc. *delectat*), PAWH. The structure of the period seems to require a distinct verb (see note), whose object, *civilem scientiam*, appears in nearly all Mss., and is not easily explained by corruption of the text. The reading *sive quem*, instead of *sive quis*, occurs only in γ, and in the cod. designated B, by K.

descriptis, KSWH, Mss.; *discriptis*, PASt; but the thought is not of distribution, as in 13, 58, but of simple description.

praepotens ista, KSWH; *ista praepotens*, PASt.

43, 194. *quoniam virtus et iustus atque honestus labor*, SHSt, after Capellman; *quoniam virtus atque honestus labor*, KPAW¹, after Wesenberg; *quoniam vera virtus atque honestus labor*, W², after Friedrich. In the Mss. reading (*cum verus et iustus atque honestus labor*) the corruption seems to rest upon *cum verus*, — *cum* arising from a misunderstanding of the abbreviation used for *quoniam*, and *verus* probably representing an original *virtus*. The substantives *honoribus*, *praemiis*, and *splendore* suggest a triple distribution of thought in what precedes.

44, 196. *tanta est vis ac tanta natura*, PAS²HW²St, Mss.; *tanta est vis* [*ac tanta*] *natura*, KW¹; *tanta est vis ac tanta necessitas natura*, S¹.

45, 198. *qui*, struck out by Madvig (after Rubner), bracketed in W². It seems best, however, to retain it. The main thought is that the Romans have won eminence and distinction by bringing legal knowledge to the service of others; a comparison of the means (*auctoritas* and *ingenium*) by which this has been brought about is an incidental matter and properly holds the rank of a subordinate clause.

ingenio sibi auctore, KSWSt, Mss.; *ingenio sibi*, PAH.

45, 199. *dicit*, S; *dicat*, KWHSt, Mss.; [*dicat*], PA.

46, 202. *clamatorem*, KASWHSt; *proclamatorem*, P, Mss.

largitus esse, S; *dedisse*, K, after Klotz; *adfuisse*, PA, after Madvig; *auctor tamen esse*, W, after Tittler; *tamen efficisse*, H; *tamen creasse*, St, — as emendations suggested by *esse* of the Mss. It seems more probable that some word has fallen out than that *dedisse*, *invenisse*, or *efficisse* has been corrupted to *esse*; and the connection, with reference especially to the following *ad nos delatum*, strongly suggests a synonym of *dare*.

id ipsum, PASWHSt; *et ipsum*, K.

46, 203. *ne rei quidem*, KSW; *ne rerum quidem*, PAHSt, Mss.

47, 206. *iam dudum*, — [*iam*] *dudum*, PA.

intellegas, sentiemus, PAS²WHSt, Mss.; *sentias intelligemus*, KS¹.

48, 209. *idem* [*esse*], KASWHSt; without brackets, P.

quo de agitur, — *de quo agitur*, W²St.

48, 210. *adiungeremus*, PASWHSt, Mss.; *adiungerem*, K.

49, 215. *illam scientiam*, PASWH, after Manutius; *alienam scientiam*, KSt, after Wyttenbach. The Mss. have either *aliquam* or *aliqua*; see note.

50, 216. *si eloquentissimus*, SWH; *etsi eloq.*, KPA, Mss.; [*et*]*si eloq.*, St; see note.

50, 217. *is perficiet*, — [*is*] *perficiet*, ElK; see note.

ei, quos φυσικούς, HS²W²St, for *et quos φυσ.* of the Mss.

sicut propria, bracketed by ElK, as a gloss on *sua*.

51, 219. *qui rerum omnium naturam, mores hominum atque rationes*, ASHSt, Mss.; K brackets *rerum omnium naturam* and *atque rationes*; W only *rerum omnium*, and inserts *et* after *naturam*; P has *qui hominum naturas mores atque rationes*; see note.

quoque after *hominum* should perhaps be stricken out; but see note.

de motibus animorum, KSW, after Ernesti; *de moribus hominum*, PAHSt, Mss.; see note.

51, 221. *sapientiam*, KSWHSt, Mss.; *sapientiamque*, PA.

52, 225. *principi civitatis*, PASH; *et principi civitatis*, KWSt, after Bake.

nisi nostro sanguine, a conjecture of Doederlein, followed by SWSt; *nostro sanguine*, Mss., KPAH. If in the Mss. reading we give emphasis to *nostro*, it would seem to imply that the knights would not be satisfied with the destruction of the senators, but

would then turn upon the people; to which W well remarks that such an appeal would have been seen at once to be misleading, for the people were not in danger of coming into collision with the *iudices* of the *questiones perpetuae*. The expression is rather to justify the hyperbole in *eripite ex faucibus eorum*, and marks the extreme and almost incredible violence to which they were exposed. See note.

52, 226. *debeat*, PAS²WHSt, Mss.; *debet*, KS¹.

53, 228. *hisce*, PASHSt; *his*, KW.

53, 230. *pestiferi cives supplicioque digni*, bracketed by K.

54, 232. [*quasi aestimationem*], KAHWS²St; without brackets, PS¹, Mss. The repetition is harsh; besides, *aestimatio* will hardly bear the meaning of "penalty assigned," which is here given to it; and at any rate, the repetition of *quasi* is uncalled for. W suggests that *poenam* be understood with *quam*.

55, 234. *incomptam*, answering to the following *ornasti*, as *indotatam* to *locupletasti*, PAWS²HSt; *incomitatam*, KS¹. All Mss. but one have *incomitatam et incomptam*, the first word of which may have resulted from a repetition of *incomptam*.

56, 238. *causa*, bracketed by KW².

56, 239. *hoc est, non iuris scientia, sed eloquentia*, bracketed by K.

quod Crassi filiam C. filio suo, WS²HSt, Mss., and now generally adopted. Other readings, as, *cuius C. filio suam filiam*, KS¹; *quod C. filio filiam suam*, PA, rest on the supposition that *despondere* was only used of the father of the bride, as indeed is suggested by passages in Cicero (ad Att. I. 3, 3; pro Cluent. 64, 179), and especially by Varro, de Ling. Lat. VI. 71: *qui spoponderat filiam despondisse dicebatur.* But Varro, as W points out, seems to have been led to the dictum by an absurd etymology — *quod de sponte eius*, i.e. *de voluntate exierat;* and further, Donatus on Ter. And. I. 1, 75, and Ad. IV. 7, 16, lays down the opposite rule: *spondere dici patrem puellae, a quo illa petitur, despondere patrem adulescentis qui petit.* Neither statement appears to hold good universally, and in one passage, Cic. ad Fam. VIII. 7, 2, the phrase *despondere* is used of the bridegroom.

57, 241. *Et enim*, after Bake; *Attamen*, KPAH, Mss.; *ac tamen*, WSt. See note.

sine controversiis, PS, and to be taken with *iuris;* see note; [*in controversiis*], K; without brackets, AW^1H, Mss.; *non controversi*, W^2St.

57, 242. *Scaevolae*, bracketed by K.

non adripuisti, KSW, after Bake; *nonne adripuisti*, PAH, Mss.; *non*[*ne*] *adripuisti*, St.

ac voluntatis mortuorum, KSWHSt; [*ac*] *voluntatis* [*mortuorum*], PA.

58, 246. [*quae*] *quam sit facilis*, KSW, after El; without brackets, PAHSt.

in quo, SW^2St; *in qua*, $KPAHW^1$, Mss. *qua* can only relate to *delectationis*, whereas the reference is evidently to the statement as a whole; see note.

58, 249. *cui nostrum licet*, $KPASHW^2$; Mss. have *non licet; cui nostrum nunc licet*, W^1; *cui nostrum* [*non*] *licet*, St.

59, 251. *discendo*, bracketed by K, after Bake.

paeanem aut hymnum recitarimus, SW, after Ritschl; *Paeanem aut Nomionem* (Mss. *munionem*) *citarimus*, KHSt.

59, 253. *iuris peritos* [*cum ipsi sint peritissimi, et qui*], K, who also brackets the following *pragmatici vocantur;* [*iuris peritos*] *qui ipsi sint peritissimi, et qui*, P; *iuris peritos* [*cum ipsi sint peritissimi et*] *qui*, S^1; *i. p. cum ipsi sint imperitissimi eos qui*, AW^1; *i. p. cum ipsi sint imperitissimi, ei qui*, S^2W^2HSt; Mss. *i. p. c. i. s. peritissimi et qui.* See note.

60, 256. *antiquitatis memoriam*, PASWH, after Koch; *antiquitatis iter*, Mss., KSt, who regard it as a mere quotation from an earlier writer.

61, 259. *in eloquenti*, PASWHSt; *in eloquentia*, K; several Mss. have *in eloquente*, which is contrary to Cicero's practice.

62, 265. *me hodie venturum esse L. Aelio*, PASWSt, after Orelli (W, however, brackets the words *in Tusculanum*, immediately preceding); [*me*] *hodie* [*venturum esse*] *Laelio*, K; *me hodie venturum esse Laelio*, H. It is needless to reject the words bracketed by K, while the change of the Mss. *Laelio* to *L. Aelio* seems called for by the facts, first, that it brings into relations with Scaevola a person well suited to his character (see on 43, 193, Aeliana studia); and, secondly, Laelius Sapiens, father-in-law of Scaevola, Cos. in 140, must have been dead before this time.

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